

**THE EXPANSIVE ‘SENSITIVE PLACES’ DOCTRINE: THE
LIMITED RIGHT TO ‘KEEP AND BEAR’ ARMS OUTSIDE
THE HOME**

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Historical Appendix

NOTE TO THE READER: The following is not intended to be an exhaustive list of laws providing locational or temporal restrictions on firearms, and instead represents the laws we identified in approximately 40-50 hours of research. These laws are gathered into categories. The same law may be listed in multiple categories (e.g., if a law restricted carriage or firing of weapons in a road or within a certain distance of a road, the law is listed both in the section listing laws with “gravitational pull” and laws regulating weapons in roads).

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I. Laws with “Gravitational Pull”

No Guns / Shooting Near Buildings / Towns / Cities

1. Massachusetts Colony (1746); Re-enacted by Massachusetts Colony (1751, 1772) Massachusetts (1778)

Whereas by the indiscreet firing of guns laden with shot[t] and ball within the town and harbour of Boston, the lives and limbs of many persons have been lost, and others have been in great danger, as well as other dammage has been sustained; for the prevention thereof for the future,

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

[Sect. 1.] That no person or persons, from and after the publication of this act, shall presume to discharge or fire off any cannon laden with shot[tl, from any wharf[f]e or vessel in that part of the harbour of said town which is above the castle, on pain of forfeiting the sum of fifteen pounds for each gun so fired or discharged ; one moiety of said penalty to be to and for the use of the poor of said town of Boston, and the other moiety to him or them who shall inform, complain and sue for the same, to be recovered by action, bill, plaint or information, before any of his majesty's courts of record within the county of Suffolk ; and upon refusal thereof, such person shall suffer three months' imprisonm[en]t without bail or mainprize.

And be it further enacted,

[Sect. 2.] That no person shall, from and after the publication of this act, discharge any gun or pistol, charged with shot[t] or ball, in the town of Boston (the islands thereto belonging excepted), or in any part of the harbour between the castle and said town, on pain of forfeiting forty shillings [for] each gun or pistol so fired or discharged, to be recovered before one or more of his majesty's justices of the peace for the county of Suffolk, and disposed of in manner as aforesaid ; or shall suffer ten days' imprisonment. And for the more effectual conviction of any person or persons so offending, it shall be lawful for any person to seize and take into custody any gun so fired off, and deliver the same to one of the next justices of the peace in said town of Boston, in order to its being produced at time of trial.¹

2. Pennsylvania Colony (1760)

And be it further enacted by the authority aforesaid, That no person whatsoever shall presume to shoot at or kill with a firearm any pigeon, dove, partridge, or other fowl in the open streets of the city of Philadelphia,

¹ An Act To Prevent The Firing Of Guns Charged With Shot[t] Or Ball In The Town Of Boston. Massachusetts Province Laws 1746-1747, Chapter 11 (passed September 13, 1746). Accessed April 19, 2023: <https://archives.lib.state.ma.us/bitstream/handle/2452/118151/1746acts0011.pdf?sequence=3&isAllowed=y>. Re-enacted in 1751-1752 Acts and Resolves of Massachusetts Chapter 7 (<https://archives.lib.state.ma.us/bitstream/handle/2452/116217/1751acts0007.pdf?sequence=4&isAllowed=y>, last accessed April 19, 2023); further re-enacted by Massachusetts colony 1772-1773 Acts and Resolves of Massachusetts Chapter 52 (<https://archives.lib.state.ma.us/bitstream/handle/2452/116953/1772acts0052.pdf?sequence=4&isAllowed=y>, last accessed April 19, 2023); further re-enacted by Massachusetts state in 1778-1779 Acts and Resolves of Massachusetts Chapter 17 (<https://archives.lib.state.ma.us/bitstream/handle/2452/117121/1778acts0017.pdf?sequence=4&isAllowed=y>, last accessed April 19, 2023).

or in the gardens, orchards and enclosures adjoining upon and belonging to any of the dwelling houses within the limits of the said city, upon the forfeiture of five shillings for every such offense.²

3. Ohio (1788)

[I]f any person shall presume to discharge or fire, or cause to be discharged or fired, any gun or other fire arms at any mark or object, or upon any pretence whatever, unless he or she shall at the same time be with such gun or fire-arms at the distance of at least one quarter mile from the nearest building of any such city, town, village or station, such person shall for every such offense, forfeit and pay to the use of the county in which the same shall be committed, a sum not exceeding five dollars, nor less than one dollar. And if any person being within a quarter of a mile of any city, town, village or station as aforesaid, shall at the same time willfully discharge or fire any gun or fire-arms, or cause or procure the same to be discharged or fired, at any time after the setting of the sun and before the rising of the same, he or she so offending, shall in like manner forfeit and pay the use aforesaid, a sum not exceeding five dollars, nor less than one dollar[.]³

4. Delaware (1812)

If any person or persons shall presume to fire or discharge any gun, ordinance, musket, fowling piece, fuse or pistol within any of the towns or villages of this State or within the limits thereof, or where the limits cannot be ascertained, within one quarter of a mile of the centre of such town or village shall fire or discharge any gun ordnance, musket, fowling piece, fusee or pistol within or on any of the greens, streets, alleys or lanes of any of the towns and villages within this State, whereon any buildings are or shall be created or within one hundred yards of any mill-dam, over or across where any of the main public or State roads may go or pass; every person or persons so offending shall be fined or punished as hereinafter directed.⁴

5. Ohio (1833)

An Act for Suppressing and Prohibiting Every Species of Gaming for Money or Other Property and for making Void all contracts and payments made in consequence thereof, and so for restraining the disorderly practice of discharging fire arms at certain hours and places, § 4. Be it enacted, That if any person shall presume to discharge or fire, or cause to be discharged or fired, any gun or other fire-arms at any mark or object, or upon any pretense whatever, unless he or she at the same time be with such gun or fire-arms at the distance of at least one-quarter of a mile from the nearest building of any such city, town, village or station, such person shall for every such offense, forfeit and pay to the use of the county in which the same shall be committed, a sum not exceeding five dollars, nor less than one dollar. And if any person being within a quarter of a mile of any city, town, village, or station as aforesaid, shall at the same time willfully discharge or fire any gun or fire-arms or cause or procure the same to be discharged or fired, at any time after the setting of the sun and before the rising of the same, he or she so offending, shall in like manner forfeit and pay to the use aforesaid a sum not exceeding five dollars, nor less than one dollar; reserving

² Ordinances of Philadelphia, Act of April 9, 1760, § 7. A Digest of the Laws of Pennsylvania 270 (1818), Act of April 9th, 1760. Also cited in Clement S. Miller, A Digest of the Ordinances of the Corporation of the City of Philadelphia; and of the Acts of Assembly Relating Thereto Page 87, Image 91 (1828) available at The Making of Modern Law: Primary Sources.

³ 1788-1801 Ohio Laws 42, An Act for Suppressing and Prohibiting Every Species of Gaming for Money or Other Property, and for Making Void All Contracts and Payments Made in Furtherance Thereof, ch. 13, § 4.

⁴ 1812 Del. Laws 329, An Act to Prevent the Discharging of Fire-Arms Within the Towns and Villages, and Other Public Places Within this State, and for Other Purposes. §1.

nevertheless to any person who will inform, and sue for either of the penalties hereinbefore last mentioned within one month from the commission of the offense, a moiety of the penalty which the party offending shall on conviction be adjudged to forfeit and pay, the other moiety thereof to go to the use of the county as aforesaid ; which said several penalties, or either of them, shall be recoverable with costs, before any justice, judge, or court having cognizance of the same.⁵

6. Ohio (1855)

If any person, or persons, shall fire any cannon, gun, or other firearms, within the bounds of the building lots, or cemetery ground in this city, or within one hundred yards of any public road, within this corporation, except by permission of council, and except in proper situations for firing salutes, or by command of a military officer in the performance of military duty, every person, so offending, on conviction thereof, shall pay a fine not exceeding ten dollars, and costs.⁶

7. Georgia (1858)

Ordinances. § 5. It shall not be lawful for any person to fire a gun, pistol, or any other fire arms, within three hundred yards of any house, except in cases of military parade; nor shall any person burn rockets, crackers, or any kind of fireworks within the limits of the city. Any person so offending shall be fined in a sum not exceeding twenty dollars.⁷

8. New York (1860)

SECTION 1. No person shall kill or shoot any game or birds upon the waters of Luzerne lake, in the town of Luzerne, and county of Warren, or upon the shores thereof, nor shall any person fire any gun or pistol upon the said lake, or upon the shores or lands within twenty-five rods of same.⁸

9. Connecticut (1877)

Ordinances of Norwich. § 15. No person or persons shall fire any swivel, musket, fowling-piece, pistol, or other gun of any description within said city at a less distance than fifty rods from any dwelling house, or public highway, or street without written permission from the Mayor or one of the aldermen of said city; and every person so offending shall, for every such offence, forfeit and pay for the use of said city the sum of three dollars: Provided always, that nothing herein contained shall be construed to extend to the members

⁵ Ordinance of 1787; the Constitutions of Ohio and of the United States, and Various Public Instruments and Acts of Congress; Illustrated by a Preliminary Sketch of the History of Ohio; Numerous References and Notes and Copious Indexes Page 106, Image 107 (Vol. 1, 1833) available at The Making of Modern Law: Primary Sources.

⁶ Ordinances of the City of Dayton. Offenses. § 38. Sec. XXXIX. George W. Malambre, Laws and General Ordinances of the City of Dayton, Containing the Laws of the State upon Municipal Government; All the General Ordinances in Force August 30th, 1855; a List of the Officers of the City under the New Act of Incorporation, Together with the Amount of Taxes Levied in Each Year for General and Special Purposes, since 1851, and the Total Amount in Each Year, of Property Subject to Taxation Page 214, Image 219 (1855) available at The Making of Modern Law: Primary Sources.

⁷ A Compilation of the Acts of the Legislature Incorporating the City of Macon, Georgia, and of the Ordinances, Passed by the City Council of Macon, to the 14th February, 1858, Now of Force Page 48, Image 48 (1858) available at The Making of Modern Law: Primary Sources.

⁸ 1860 Laws of New York – 83rd Legislature at 374. Chapter 223. “AN ACT for the preservation of birds and small game upon and around the shores of Luzerne lake.” Passed April 10, 1860.

of any military company when under the command of any military officer, not to prevent the firing of any gun or guns for the destruction of any noxious birds or animals by any person or persons upon his or their premises.⁹

10. Massachusetts (1887)

Ordinance so the City of Fall River, Streets Use. Revised Ordinance. Discharge of Firearms. § 20. No person shall, except in the performance of some legal duty, discharge any gun, pistol or firearm in any street or public place, or within fifty rods of any dwelling house.¹⁰

No Guns / Shooting Near Roads

11. Massachusetts (1713)

Whereas the limbs and lives of several persons have been greatly endangered, in riding over Boston Neck, by their horses throwing of them, being affrighted, and starting at the firing of guns by gunners that frequent there after game ; for preventing whereof for the future, Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled., and by the authority of the same,

[Sect. 1.] That no person or persons, from and after the publication of this act, may presume to discharge or fire off any gun upon Boston Neck, within ten rods of the road or highway leading over the same, on pain of forfeiting and paying the sum of twenty shillings for each gun so fired or discharged, one moiety thereof to be to and for the use of the poor in the said town of Boston, and the other moiety to him or them that shall inform, complain and sue for the same ; to be recovered before the court of general sessions of the peace within the county, or before any one or more of her majesty's justices of the peace out of court.

[Sect. 2.] And, for the better conviction of persons offending against this act, it shall be lawful, to and for any freeholder, to arrest and take into custody any gun so fired off, and render the same to one of the next justices in Boston, in order to its being produced at the time of tryal.

[Passed October 23; published November 2.]¹¹

12. Pennsylvania Colony (1760)

If any person or persons shall presume to carry any gun, or hunt on any enclosed or improved lands of any of the inhabitants of this province, other than his own, unless he shall have license or permission from the owner of such lands, or shall presume to fire a gun on or near any of the king's highways, and shall be thereof convicted, either upon view of any justice of the peace within this province, or by the oath or

⁹ J. M. Meech, Charter and Revised Ordinances of the City of Norwich With the Amendments Thereto, and Statutes of the State Relating to Municipal Corporations, in Force January 1st, 1877 Page 178, Page 185 (1876) available at The Making of Modern Law: Primary Sources.

¹⁰ City Charter and Revised Ordinances of the City of Fall River, with Special Statutes Relating to the City, and an Appendix Page 158, Image 162 (1887) available at The Making of Modern Law: Primary Sources.

¹¹ An Act To Prohibit Shooting Or Firing Off Guns Near The Road Or Highway On Boston Neck, 1713-1714 Acts and Resolves of the Massachusetts General Court, Chapter 6.
<https://archives.lib.state.ma.us/bitstream/handle/2452/119077/1713acts0006.pdf?sequence=3&isAllowed=y>. Last accessed April 19, 2023.

affirmation of any one or more witnesses, before any justice of the peace, he shall, for every such offence, forfeit the sum of forty shillings.¹²

13. Delaware (1812)

If any person or persons shall presume to fire or discharge any gun, ordinance, musket, fowling piece, fuse or pistol within any of the towns or villages of this State or within the limits thereof, or where the limits cannot be ascertained, within one quarter of a mile of the centre of such town or village shall fire or discharge any gun ordinance, musket, fowling piece, fusee or pistol within or on any of the greens, streets, alleys or lanes of any of the towns and villages within this State, whereon any buildings are or shall be created or within one hundred yards of any mill-dam, over or across where any of the main public or State roads may go or pass; every person or persons so offending shall be fined or punished as hereinafter directed.¹³

14. Rhode Island (1835)

§ 1. No person shall fire any gun, pistol, rifle or other fire-arm, in any street or lane, or on any public wharf, or on any public lands within said city, after sunrise and before sunset. § 2. Any person who shall violate any provision in the foregoing section contained, shall forfeit and pay the sum of not less than two dollars nor more than twenty dollars. § 3. No person shall open, keep, or maintain, or permit to be opened, kept, or maintained upon premises owned or occupied by him, within the distance of two hundred feet from any street, highway, gangway, or open way over which the inhabitants of this city pass or may freely pass, within the limits of the city, any pistol gallery, or room, or place for the purpose of testing or firing any pistol, rifle, musket, or other fire-arm, without using all such precautions against damage or accidents, as the city marshal may direct; and every person so transgressing shall forfeit and pay the sum of twenty dollars. § 4. Every person who shall open, keep, or maintain or permit to be opened, kept, or maintained, any place as aforesaid, after the city marshal shall have given directions as aforesaid, without using the prescribed precautions, shall for every three days during which he shall neglect to use such precautions, be deemed guilty of a violation of the third section of this ordinance and shall be fined accordingly.¹⁴

15. Ohio (1855)

If any person, or persons, shall fire any cannon, gun, or other firearms, within the bounds of the building lots, or cemetery ground in this city, or within one hundred yards of any public road, within this corporation,

¹² John W. Purdon, *A Digest Of The Laws Of Pennsylvania From The Year One Thousand Seven Hundred To The Twenty-First Day Of May, One Thousand Eight Hundred And Sixty-One* 534 (9th ed. 1862). Cited in Duke Firearms Archive. Also cited in Kopel, at 235 (footnote 119) (“The 1721 Pennsylvania statute applied to all persons who hunted or carried a gun without permission on someone else’s enclosed or improved lands; the statute also forbade poor people (those not eligible to vote) from hunting on unimproved land (“the woods”). The property requirement was repealed by the 1760 statute. The 1760 law also forbade firearms discharge while hunting near highways—a safety restriction that remains common in modern American law.”). Available at <https://www.palrb.gov/Preservation/Statutes-at-Large/View-Document/17001799/1760/0/act/0456.pdf> (last accessed April 20, 2023).

¹³ 1812 Del. Laws 329, *An Act to Prevent the Discharging of Fire-Arms Within the Towns and Villages, and Other Public Places Within this State, and for Other Purposes*. §1.

¹⁴ *Ordinances of the City of Providence, Fire-arms. An Ordinance in Relation to the Firing of Guns, Pistols and other Fire-arms. The Charter and Ordinances of the City of Providence, with the Acts of the General Assembly Relating to the City* Page 60, Image 61 (1835) available at *The Making of Modern Law: Primary Sources*.

except by permission of council, and except in proper situations for firing salutes, or by command of a military officer in the performance of military duty, every person, so offending, on conviction thereof, shall pay a fine not exceeding ten dollars, and costs.¹⁵

16. Maryland (1874)

Roads. § 12. No person shall fire any gun, pistol or firelock of any kind, on or within twenty yards of any public road, street, bridge, causeway or highway in Cecil county, under a penalty of not less than five nor more than twenty dollars, to be recovered in the same manner as prescribed in section one hundred and seventy seven of this Article.¹⁶

17. Connecticut (1877)

Ordinances of Norwich. § 15. No person or persons shall fire any swivel, musket, fowling-piece, pistol, or other gun of any description within said city at a less distance than fifty rods from any dwelling house, or public highway, or street without written permission from the Mayor or one of the aldermen of said city; and every person so offending shall, for every such offence, forfeit and pay for the use of said city the sum of three dollars: Provided always, that nothing herein contained shall be construed to extend to the members of any military company when under the command of any military officer, not to prevent the firing of any gun or guns for the destruction of any noxious birds or animals by any person or persons upon his or their premises.¹⁷

18. Georgia (1882)

. . . it shall be unlawful for any person between dark and daylight willfully and wantonly to fire off or discharge any loaded gun or pistol on any of the public highways in this State, and within fifty yards of any such public highway, except in defense of person or property or on his own premises.¹⁸

¹⁵ Ordinances of the City of Dayton. Offenses. § 38. Sec. XXXIX. George W. Malambre, Laws and General Ordinances of the City of Dayton, Containing the Laws of the State upon Municipal Government; All the General Ordinances in Force August 30th, 1855; a List of the Officers of the City under the New Act of Incorporation, Together with the Amount of Taxes Levied in Each Year for General and Special Purposes, since 1851, and the Total Amount in Each Year, of Property Subject to Taxation Page 214, Image 219 (1855) available at The Making of Modern Law: Primary Sources.

¹⁶ Edward Otis Hinkley, Supplement to the Maryland Code: Containing the Acts of the General Assembly Passed at the Session of 1864 Page 76 Image 153 (Vol. 2, 1865) available at The Making of Modern Law: Primary Sources.

¹⁷ J. M. Meech, Charter and Revised Ordinances of the City of Norwich With the Amendments Thereto, and Statutes of the State Relating to Municipal Corporations, in Force January 1st, 1877 Page 178, Page 185 (1876) available at The Making of Modern Law: Primary Sources.

¹⁸ 1882 Ga. Laws 131, An Act to Prevent the Discharge of Fire-arms on the Public Highways of this State and within Fifty Yards of the Same; to make such an act a Misdemeanor, and Prescribe a Punishment Therefor, § 1.

19. Massachusetts (1887)

Ordinance so the City of Fall River, Streets Use. Revised Ordinance. Discharge of Firearms. § 20. No person shall, except in the performance of some legal duty, discharge any gun, pistol or firearm in any street or public place, or within fifty rods of any dwelling house.¹⁹

20. North Carolina (1899)

That it shall be unlawful for any person wantonly or in sport to shoot or discharge any gun or pistol in or within one hundred yards of any street in any public road leading out of the towns of Sparta in Alleghany county and Jefferson in Ashe county for a distance of one-fourth mile from the court houses in said towns.²⁰

21. South Carolina (1899)

§ 1. Be it enacted by the General Assembly of the State of South Carolina, That any person who shall engage in any boisterous conduct, under the influence of intoxicating liquors, or while feigning to be under the influence of such liquors, or without just cause or excuse, shall discharge any gun, pistol or other firearms while upon or within fifty yards of any public road, except upon his own premises, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than one hundred dollars or be imprisoned for not more than thirty days.²¹

No Guns at Polling Places

22. Delaware Constitution (1776)

To prevent any violence or force being used at the said elections, no person shall come armed to any of them, and no muster of the militia shall be made on that day; nor shall any battalion or company give in their votes immediately succeeding each other, if any other voter, who offers to vote, objects thereto; nor shall any battalion or company, in the pay of the continent, or of this or any other State, be suffered to remain at the time and place of holding the said elections, nor within one mile of the said places respectively, for twenty-four hours before the opening said elections, nor within twenty-four hours after the same are closed, so as in any manner to impede the freely and conveniently carrying on the said election: Provided always, That every elector may, in a peaceable and orderly manner, give in his vote on the said day of election.²²

23. Louisiana (1870)

. . . [I]t shall be unlawful for any person to carry any gun, pistol, bowie knife or other dangerous weapon, concealed or unconcealed, on any day of election during the hours the polls are open, or on any day of registration or revision of registration, within a distance of one-half mile of any place of registration or revision of registration; any person violating the provisions of this section shall be deemed guilty of a

¹⁹ City Charter and Revised Ordinances of the City of Fall River, with Special Statutes Relating to the City, and an Appendix Page 158, Image 162 (1887) available at The Making of Modern Law: Primary Sources.

²⁰ 1899 N.C. Sess. Laws 250, Pub. Laws, An Act to Prohibit Shooting Guns or Pistols in the Towns of Sparta, Alleghany County, and Jefferson, Ashe County, ch. 120, § 1.

²¹ 1899 S.C. Acts 97, An Act To Prevent Drunkenness And Shooting Upon The Highway, No. 67, § 1.

²² 1776 Del. Const, art. 28. Cited in Kopel, at 233 (footnote 115).

misdemeanor; and on conviction shall be punished by a fine of not less than one hundred dollars, and imprisonment in the parish jail not less than one month²³

24. Maryland (1886)

That from and after the passage of this act, it shall not be lawful for any person in Calvert County to carry, on the days of election and primary election, within three hundred yards of the polls, secretly, or otherwise, any gun, pistol, dirk, dirk-knife, razor, billy or bludgeon, and any person violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof by the Circuit Court of Calvert County . . . shall be fined not less than ten nor more than fifty dollars for each offense. . . .²⁴

25. Texas (1873)

(1) It shall be unlawful for any person to carry any gun, pistol, bowie knife, or other dangerous weapon, concealed or unconcealed, on any day of election, during the hours the polls are open, within a distance of one half mile of any place of election. (2) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dollars, and by imprisonment in the county jail for not less than one month: Provided, that the provisions of this section shall not apply to any officer of the election, police officer, or other person authorized to preserve the peace on the days of election.²⁵

No Guns / Shooting in Church / Place of Worship

26. North Carolina (1889)

That it shall be a misdemeanor for any person to . . . fire off a gun or pistol in hearing distance of those assembled for or occupied in divine worship at said church.²⁶

No Guns in Schools

²³ 1870 La. Acts 159–60, An Act to Regulate the Conduct and to Maintain the Freedom of Party Election . . . , § 73. Cited in Kopel, at 243.

²⁴ 1886 Md. Laws 315, An Act to Prevent the Carrying of Guns, Pistols, Dirk-knives, Razors, Billies or Bludgeons by any Person in Calvert County, on the Days of Election in said County, Within One Mile of the Polls, ch. 189, § 1. Cited in Kopel, at 244.

²⁵ Criminal Code, Riots and Unlawful Assemblies at Elections Violence Used Towards Electors, Art. 6490. George Washington Paschal, Reporter A Digest of the Laws of Texas: Containing Laws in Force, and the Repealed Laws on Which Rights Rest. Carefully Annotated. 3rd ed. Vol. 2 Page 1317-1318, Image 287-288 (Washington D.C., 1873) available at The Making of Modern Law: Primary Sources. Also found in A Digest Of The Laws Of Texas, Containing The Laws In Force, And The Repealed Laws On Which Rights Rest, From 1754 To 1874, Carefully Annotated 1317–18 (4th ed. 1874).Cited Kopel, at 244.

²⁶ 1889 N.C. Sess. Laws 820, An Act to Incorporate Mount Pleasant Baptist Chapel Church — In Ashe County, ch. 178, § 3.

27. Missouri (1879)

Hereafter it shall be unlawful for any person in this State, except he be a sheriff or other officer, in the discharge of official duty to discharge or fire off any gun, pistol or fire-arms of any description in the immediate vicinity of any court house, church or building used for school or college purposes.²⁷

No Guns in Courthouses

28. Missouri (1879)

Hereafter it shall be unlawful for any person in this State, except he be a sheriff or other officer, in the discharge of official duty to discharge or fire off any gun, pistol or fire-arms of any description in the immediate vicinity of any court house, church or building used for school or college purposes.²⁸

29. North Carolina (1899)

That it shall be unlawful for any person wantonly or in sport to shoot or discharge any gun or pistol in or within one hundred yards of any street in any public road leading out of the towns of Sparta in Alleghany county and Jefferson in Ashe county for a distance of one-fourth mile from the court houses in said towns.²⁹

No Shooting Near Powder House

30. Rhode Island Colony (1762)

And be it further Enacted by the Authority aforesaid, That *no person whatsoever shall fire a gun* or other fireworks *within one hundred yards of the said powder house*, upon the penalty of paying a fine of ten shillings lawful money, for every such offence, to be recovered by the Town Treasurer, for the use of the said Town.³⁰

31. Rhode Island (1822)

And be it further enacted, That *no person whosoever shall fire a gun or other fire-works within one hundred yards of the said powder-house*, upon the penalty of two dollars for every such offence, to be recovered by the town treasurer for the use of said town.³¹

²⁷ 1879 Mo. Laws 90, An Act To Prohibit The Discharge Of Firearms In The Immediate Vicinity Of Any Courthouse, Church Or Building Used For School Or College Purposes, § 1.

²⁸ 1879 Mo. Laws 90, An Act To Prohibit The Discharge Of Firearms In The Immediate Vicinity Of Any Courthouse, Church Or Building Used For School Or College Purposes, § 1.

²⁹ 1899 N.C. Sess. Laws 250, Pub. Laws, An Act to Prohibit Shooting Guns or Pistols in the Towns of Sparta, Alleghany County, and Jefferson, Ashe County, ch. 120, § 1.

³⁰ 1762 R.I. Pub. Laws 132. Cited in Duke Firearms Archive.

³¹ Ordinances of the City of Newport. Gunpowder–Firemen. § 11. The Charter of the City of Newport, R. I., and the Special State Laws Relating Thereto, Together with the Ordinances for the Government of the City. Page 39, Image 40 (1858) available at The Making of Modern Law: Primary Sources.

No Shooting Near Bridges

32. Pennsylvania (1832)

And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said bridge, or of any toll house, gates, bars or other property of the said corporation, appurtenant to, or erected for the use and convenience of said bridge, or of the person employed in attending to the same, or shall wilfully, without the consent or orders of said corporation, deface or destroy any list of the rates of toll, affixed in any place or places, for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for every such offence, to said corporation, the sum of twenty dollars, to be recovered before any justice of the peace, as debts of a like amount are recoverable; and if any person shall be guilty of carrying a lighted segar or pipe, or of carrying fire in any manner whatever, over said bridge, except in a lantern, or in some vessel secured, so that the possibility of its setting fire to the bridge shall be fully prevented, or who shall fire any squib, cracker, rocket or other fireworks, ***or who shall discharge any gun, pistol, or other fire arms on or near said bridge***, so that the said bridge might by possibility be fired or injured thereby, he or they so offending shall forfeit and pay to said corporation the sum of five dollars for every such offence, to be recovered as aforesaid....³²

33. Pennsylvania (1848)

. . . and if any person shall be guilty of carrying any lighted cigar . . . ***or who shall discharge any pistol or gun, or any fire arms on or near said bridge***, so that the said bridge, by possibility, be set on fire, or injured by said cause, he or she so offending shall forfeit and pay to the said corporation, the sum of five dollars for every such offence. . .³³

34. Maryland (1874)

Roads. § 12. No person shall fire any gun, pistol or firelock of any kind, on or within twenty yards of any public road, street, bridge, causeway or highway in Cecil county, under a penalty of not less than five nor more than twenty dollars, to be recovered in the same manner as prescribed in section one hundred and seventy seven of this Article.³⁴

³² “AN ACT Authorizing the Governor to incorporate a company to build a toll bridge over the river Schuylkill, between the Black and White Horse taverns, in Amity township, Berks county.” 1831 Pennsylvania - General Assembly, Regular Session : 397-403. Enacted May 3, 1832. Available at <https://heinonline.org/HOL/P?h=hein.ssl/sspa0120&i=421> (last accessed May 4, 2023).

³³ 1848 Pa. Laws 137, An Act To Incorporate A Company To Erect A Bridge Over The River Schuylkill, At Or Near Laurensville, In The county Of Chester, § 13.

³⁴ Edward Otis Hinkley, Supplement to the Maryland Code: Containing the Acts of the General Assembly Passed at the Session of 1864 Page 76 Image 153 (Vol. 2, 1865) available at The Making of Modern Law: Primary Sources.

35. Pennsylvania (1874)

If any person . . . shall discharge any pistol, or gun, or any fire-arms on or near said bridges, he, she or they so offending shall forfeit and pay to the said company the sum of five dollars each...³⁵

36. New Jersey (1877)

An Act for the Protection of Bridges over the River Delaware, § 3. That it shall not be lawful for any person or persons passing riding or driving over any toll bridge, as aforesaid, to carry any lighted cigar or pipe, or to carry fire in any form, or to light any match, or cigar, or pipe, or to fire off any gun, or other fire arms, or to explode any fireworks of any description, on said bridge, or within its enclosures; or to engage in any game with cards or other device for money, or the value of money, or the value of money, or for pleasure, or to engage in any foot racing, or other racing; or to congregate upon such bridge so as, in any wise, to interfere or annoy persons travelling over the same, under the penalty of ten dollars for each and every such offence, to be recovered as aforesaid, with costs of suit against each and every person so offending.³⁶

II. Laws that Restrict Carriage

1. Maryland Colony (1715)

And, to prevent the abusing, hurting or worrying of any stock of hogs, cattle or horses, with dogs, or otherwise, BE IT ENACTED, That if any person or persons whatsoever, that have been convicted of any of the crimes aforesaid, or other crimes, or that shall be of evil fame, or a vagrant, or dissolute liver, that shall shoot, kill or hunt, or be seen to carry a gun, upon any person's land, whereon there shall be a seated plantation, without the owner's leave, having been once before warned, shall forfeit and pay one thousand pounds of tobacco...³⁷

2. New Jersey Colony (1718)

And whereas divers abuses have been committed, and great Damages and Inconveniencies arisen by Persons carrying of Guns and presuming to hunt on other Peoples Land; for Remedy whereof for the future, B E I T E N A C T E D by the Authority aforesaid, That if any Perion or Persons shall presume, at any Time after the Publication hereof, to carry any Gun, or hunt on the improved or inclosed Lands in. any Plantation, other than his own, unless he have License or Permission from the Owner of such Lands or Plantation, and shall be thereof convicted, either upon the View of any Justice of the Peace within this Province, or by the

³⁵ 1874 Pa. Laws 91, An Act To Regulate The Manner Of Increasing The Indebtedness of Municipalities To Provide For The Redemption Of The Same And To Impose Penalties For The Illegal Increase Thereof, § 31, cl. 5.

³⁶ Mercer Beasley, Revision of the Statutes of New Jersey: Published under the Authority of the Legislature; by Virtue of an Act Approved April 4, 1871 Page 91, Image 137 (1877) available at The Making of Modern Law: Primary Sources.

³⁷ 1715 Md. Laws 90. Also cited in Kopel, at 237 (footnote 122) (“Maryland’s 1715 law forbade convicted criminals and vagrants from hunting on private property without permission, and also provided that the offender would only be fined after first receiving one free warning”).

Oath or Affirmation of any one or more Witnesses, before any Justice of the Peace, he shall, for every such Offence forfeit the Sum of Fifteen Shillings, with Costs attending such Conviction.³⁸

3. Pennsylvania Colony (1721)

Be it enacted by the authority aforesaid, That if any person or persons shall presume, at any time after the sixteenth day of November, in this present year on thousand seven hundred and twenty one, to carry any gun or hunt on the improved or inclosed lands of any plantation other than his own, unless he have license or permission from the owner of such lands or plantation, and shall thereof convicted ether upon view of any justice of the peace within this province, or by the oath or affirmation of any one or more witnesses, before any justice of the peace, he shall for every such offense forfeit the sum of ten shillings. And if any person whatsoever, who is not owner of of fifty acres of land and otherwise qualified in the same manners as persons are or ought to be by the laws of this province for electing of members to serve in assembly, shall at any time, after the said Sixteenth day of November, carry any gun, or hunt in the woods or inclosed lands, without license or permission obtained from the owner or owners of such lands, and shall be thereof convicted in manner aforesaid, such offender shall forfeit and pay the sum of five shillings.³⁹

4. New Jersey Colony (1741)

[T]hat if any Person or Persons shall presume, at any Time after the Publication hereof, to *carry any Gun*, or hunt on the improved or inclosed Lands in any Plantation, other than his own unless he have Licence or Permission from the Owner of such Lands or Plantation . . . And if any person whatsoever, who is not owner of one hundred acres of land, or otherwise qualified, in the same manner as persons are or ought to be electing representatives to serve in general assembly shall at any time after the publication hereof, carry any gun, or hunt in the woods or unenclosed lands, without license or permission obtained from the owner or owners of such lands . . . such offender shall forfeit and pay the sum of ten shillings.⁴⁰

5. Pennsylvania Colony (1760)

If any person or persons shall presume to carry any gun, or hunt on any enclosed or improved lands of any of the inhabitants of this province, other than his own, unless he shall have license or permission from the owner of such lands, or shall presume to fire a gun on or near any of the king's highways, and shall be thereof convicted, either upon view of any justice of the peace within this province, or by the oath or

³⁸ 1718-1741 New Jersey - 7th-12th Assemblies: 100-103 (“An Act to prevent Killing of Deer out of Season, and against carrying of Guns and Hunting by Persons not Qualified”).

³⁹ 1721 Pa. Laws 254, 256. Cited in *The Statutes at Large of Pennsylvania*, c. 142, p. 254, An Act to Prevent the Killing of Deer out of Season, And Against Carrying of Guns or Hunting by Persons not qualified. Cited in Kopel, at 235 (footnote 118). (“The 1721 Pennsylvania statute applied to all persons who hunted or carried a gun without permission on someone else’s enclosed or improved lands; the statute also forbade poor people (those not eligible to vote) from hunting on unimproved land (“the woods”).”)

⁴⁰ 1718-1741 N.J. Laws 101, An Act to Prevent Killing of Deer out of Season and against Carrying of Guns and Hunting by Persons not Qualified, ch. 35, § 4. Cited in Kopel, at 236 (foot note 120) (“The 1741 New Jersey statute was similar to the 1720 Pennsylvania law: no hunting without permission by anyone on someone else’s improved or enclosed land; no hunting by persons not qualified to vote on unimproved and unenclosed private property.”).

affirmation of any one or more witnesses, before any justice of the peace, he shall, for every such offence, forfeit the sum of forty shillings.⁴¹

6. New York Colony (1763)

CHAP. MCXXXIII.

An Act to prevent hunting with Fire-Arms in the City of New-York, and the Liberties thereof.

Pass'd the 20th December, 1763

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

I. In order therefore the more effectually to punish and prevent such Abuses as foresaid, *Be It Enacted by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same*, That if any Person or Persons whatsoever, other than the Owner, Proprietor, or Possessor, or his or her white Servant or Servants, do and shall, at any Time or Times from and after the Publication of this Act, carry, shoot, or discharge any Musket, Fowling-Piece, or other Fire-Arm whatsoever, into, upon, or through any Orchard, Garden, Corn-Field, or other inclosed Land whatsoever, within the City of *New-York*, or the Liberties thereof, without License in Writing first had and obtained for that Purpose from such Owner, Proprietor, or Possessor of such Orchard, Garden, Corn-Field or other inclosed Land; or shall enter into, or pass through any Orchard, Garden, Corn-Field or Mowing-Ground, in any of the aforesaid Places without Fire-Arms, and there of shall be convicted before any Member of his Majesty's Council, either of the Justices of the Supreme Court, or the Mayor, Recorder, or any one of the Aldermen of the City of *New-York*, for the Time being, by the Oath of one credible Witness, or by Confessions of the Party offending, she, she or they so offending, shall severally forfeit and pay for every such Offence, the Sum of *Twenty Shillings*; to be recovered and applied in the Manner herein directed.⁴²

7. New Jersey Colony (1771)

1. Be it enacted by the Senate and General Assembly of the state of New Jersey, That if any person or persons shall presume, at any time after the publication hereof, to carry any gun on any lands not his own, and for which the owner pays taxes, or is in his lawful possession, unless he hath license or permission in writing from the owner or owners, or legal possessor, every such person so offending, and convicted, thereof, either upon the view of any justice of the peace within this state, or by the oath or affirmation of

⁴¹ John W. Purdon, *A Digest Of The Laws Of Pennsylvania From The Year One Thousand Seven Hundred To The Twenty-First Day Of May, One Thousand Eight Hundred And Sixty-One* 534 (9th ed. 1862). Cited in Kopel, at 235 (footnote 119) (“The 1721 Pennsylvania statute applied to all persons who hunted or carried a gun without permission on someone else’s enclosed or improved lands; the statute also forbade poor people (those not eligible to vote) from hunting on unimproved land (“the woods”). The property requirement was repealed by the 1760 statute. The 1760 law also forbade firearms discharge while hunting near highways—a safety restriction that remains common in modern American law.”). Available at <https://www.palrb.gov/Preservation/Statutes-at-Large/View-Document/17001799/1760/0/act/0456.pdf> (last accessed April 20, 2023).

⁴² An Act to prevent hunting with Fire-Arms in the City of New-York, and the Liberties thereof. Pass'd the 20th December, 1763. 1761-1775 New York – 27th-29th Assemblies 390, 441.

one or more witnesses, before any justice of the peace of either of the counties, cities, or towns corporate of this state, in which the offender or offenders may be taken or reside, he, she, or they, shall, for every such offence, forfeit and pay to the owner of the soil, or his tenant in possession, the sum of five dollars with costs of suit; which forfeiture shall and may be sued for and recovered by the owner of the soil, or tenant in possession, before any justice of the peace in this state, for the use of such owner or tenant in possession.

2. And be it enacted, That if any person shall presume, at any time after the publication of this act, to hunt or watch for deer with a gun, or set in any dog or dogs to drive deer, or any other game, on any lands not his own, and for which the owner or possessor pays taxes, or is in his lawful possession, unless he hath license or permission in writing from such owner or owners or legal possessor; every such person so offending, and being convicted thereof in manner aforesaid, shall for every such offence, forfeit and pay to the owner of the soil, or tenant in possession, the sum of five dollars, with costs of suit; provided, that nothing herein contained shall be construed to extend to prevent any person carrying a gun upon the highway in this state.

3. And be it enacted, That if the person or persons offending against this act be non-residents of this state, he or they shall forfeit and pay for every such offence, fifteen dollars, and shall forfeit his or their gun or guns to any person or persons who shall inform and prosecute the same to effect, before any justice of the peace in any county of this state, wherein the offender or offenders may be taken or apprehended.⁴³

8. Delaware Constitution (1776)

To prevent any violence or force being used at the said elections, no person shall come armed to any of them, and no muster of the militia shall be made on that day; nor shall any battalion or company give in their votes immediately succeeding each other, if any other voter, who offers to vote, objects thereto; nor shall any battalion or company, in the pay of the continent, or of this or any other State, be suffered to remain at the time and place of holding the said elections, nor within one mile of the said places respectively, for twenty-four hours before the opening said elections, nor within twenty-four hours after the same are closed, so as in any manner to impede the freely and conveniently carrying on the said election: Provided always, That every elector may, in a peaceable and orderly manner, give in his vote on the said day of election.⁴⁴

9. Pennsylvania (1851)

Any person who shall, willfully and maliciously, carry any pistol, gun, dirk-knife, slung-shot or deadly weapon in said borough of York, shall deemed guilty of felony, and being thereof convicted shall be sentenced to undergo imprisonment at hard labor...⁴⁵

⁴³ 1771 N.J. Laws 346. Cited in Kopel, at 237 (footnote 121) (“The 1741 New Jersey statute was similar to the 1720 Pennsylvania law: no hunting without permission by anyone on someone else’s improved or enclosed land; no hunting by persons not qualified to vote on unimproved and unenclosed private property. The 1771 New Jersey revision eliminated the discrimination against non-voters.”).

⁴⁴ 1776 Del. Const, art. 28. Cited in Kopel, at 233 (footnote 115).

⁴⁵ 8 April 1851, P.L. 382 Section 4 (page 323). Frederick C. Brightly, A Digest of the Laws of Pennsylvania from the year 1700 to the 10th Day of July 1872, Volume 1 (10th Ed. 1873), at 323. Similar prohibitions existed for carrying concealed weapons in Philadelphia (13 May 1850 Section 14) or Schuylkill County (5 May 1864 P.L. 823 Section 1). Available at:

10. Texas (1866)

It shall not be lawful for any person or persons to carry fire-arms on the enclosed premises or plantation of any citizen, without the consent of the owner or proprietor, other than in the lawful discharge of a civil or military duty, and any person or persons so offending shall be fined a sum not less than one nor more than ten dollars, or imprisonment in the county jail not less than ten days, or both, in the discretion of the court or jury before whom the trial is had.⁴⁶

11. Georgia (1870)

“No person in said state shall be permitted or allowed to carry about his or her person any dirk, Bowie-knife, pistol or revolver, or any kind of deadly weapon, to any court of justice or any election ground or precinct, or any place of public worship, or any other public-gathering in this state, except militia muster grounds.”⁴⁷

12. Louisiana (1870)

. . . [I]t shall be unlawful for any person to carry any gun, pistol, bowie knife or other dangerous weapon, concealed or unconcealed, on any day of election during the hours the polls are open, or on any day of registration or revision of registration, within a distance of one-half mile of any place of registration or revision of registration; any person violating the provisions of this section shall be deemed guilty of a misdemeanor; and on conviction shall be punished by a fine of not less than one hundred dollars, and imprisonment in the parish jail not less than one month⁴⁸

13. Texas (1870)

An Act Regulating the Right to Keep and Bear Arms. Art. 6511. If any person shall go into any church or religious assembly, any school-room or other place where persons are assembled for educational, literary, or scientific purposes, or into a ball room, social party, or other social gathering, composed of ladies and gentleman, or to any election precinct on the day or days of any election, where any portion of the people of this state are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dirk, or butcher-knife, or fire-arms, whether known as a six shooter, gun, or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same: Provided, That nothing contained in this section shall apply to locations subject to Indian

https://www.google.com/books/edition/A_Digest_of_the_Laws_of_Pennsylvania/EfZBAAAAYAAJ last accessed April 20, 2023).

⁴⁶ “An Act to prohibit the carrying of Fire-Arms on premises or plantations of any citizen without consent of the owner”. Law of Nov. 6, 1866, Ch. 92, § 1, 1866 Tex. Gen. Laws 90, 5 H. Gammel, Laws Of Texas 1008 (1898). Cited in Kopel, at 246. Available at: <https://texashistory.unt.edu/ark:/67531/metaph6727/m1/5/>; last accessed April 20, 2023).

⁴⁷ Acts And Resolutions Of The General Assembly Of The State Of Georgia, Passed In Atlanta, Georgia, At The Session Of 1870 Title XVI. Available at https://dlg.usg.edu/record/dlg_zlgl_40284305#text (last accessed April 20, 2023). Cited in Kopel, at 244.

⁴⁸ 1870 La. Acts 159–60, An Act to Regulate the Conduct and to Maintain the Freedom of Party Election . . . , § 73. Cited in Kopel, at 243.

depredations: And provided further, That this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.⁴⁹

14. Maryland (1874)

Election Districts–Fences. § 99. It shall not be lawful for any person in Kent county to carry, on the days of election, secretly or otherwise, any gun, pistol, dirk, dirk-knife, razor, billy or bludgeon; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof before any justice of the peace of said county, shall be fined not less than five nor more than twenty dollars, and on refusal to pay said fine shall be committed by such justice of the peace to the jail of the county until the same shall be paid.⁵⁰

15. Missouri (1883)

If any person shall carry concealed, upon or about his person, any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill or meetings called under the militia law of this state, having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, slung-shot, or other deadly weapon, or shall in the presence of one or more persons shall exhibit any such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.⁵¹

16. Maryland (1886)

That from and after the passage of this act, it shall not be lawful for any person in Calvert County to carry, on the days of election and primary election, within three hundred yards of the polls, secretly, or otherwise, any gun, pistol, dirk, dirk-knife, razor, billy or bludgeon, and any person violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof by the Circuit Court of Calvert County . . . shall be fined not less than ten nor more than fifty dollars for each offense. . .⁵²

⁴⁹ George Washington Paschal, Reporter A Digest of the Laws of Texas: Containing Laws in Force, and the Repealed Laws on Which Rights Rest. Carefully Annotated. 3rd ed. Vol. 2 Page 1322, Image 292 (Washington D.C., 1873) available at The Making of Modern Law: Primary Sources.

⁵⁰ 2 PUBLIC LOCAL LAWS OF MARYLAND, ARTICLES 11-24, at 1457 (King Bros, ed. 1888). Also found in John Prentiss Poe, The Maryland Code : Public Local Laws, Adopted by the General Assembly of Maryland March 14, 1888. Including also the Public Local Acts of the Session of 1888 incorporated therein Page 1457, Image 382 (Vol. 2, 1888) available at The Making of Modern Law: Primary Sources. Cited in Kopel, at 243.

⁵¹ 1883 Mo. Laws 76, An Act To Amend Section 1274, Article 2, Chapter 24 Of The Revised Statutes Of Missouri, Entitled “Of Crimes And Criminal Procedure,” § 1.

⁵² 1886 Md. Laws 315, An Act to Prevent the Carrying of Guns, Pistols, Dirk-knives, Razors, Billies or Bludgeons by any Person in Calvert County, on the Days of Election in said County, Within One Mile of the Polls, ch. 189, § 1. Cited in Kopel, at 244.

17. Tennessee (1869)

Elections. § 2. That it shall not be lawful for any qualified voter or other person attending any election in this State, or for any person attending any fair, race course, or other public assembly of the people, to carry about his person, concealed or otherwise, any pistol, dirk, Bowie-knife, Arkansas toothpick, or weapon in form, shape, or size resembling a Bowie knife or Arkansas tooth-pick, or other deadly or dangerous weapon. § 3. That all persons convicted under the second section of this act shall be punished by fine of not less than fifty dollars, and by imprisonment, or both, at the discretion of the court.⁵³

18. Texas (1870)

If any person shall go into any church or religious assembly, any school-room or other place where persons are assembled for educational, literary, or scientific purposes, or into a ball room, social party, or other social gathering, composed of ladies and gentleman, or to any election precinct on the day or days of any election, where any portion of the people of this state are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dirk, or butcher-knife, or fire-arms, whether known as a six shooter, gun, or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same: Provided, That nothing contained in this section shall apply to locations subject to Indian depredations: And provided further, That this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.⁵⁴

“The Supreme Court of Tennessee expressed approval of such restrictions, albeit in dicta:

While the private right to keep and use such weapons as we have indicated as arms, is given as a private right, its exercise is limited by the duties and proprieties of social life, and such arms are to be used in the ordinary mode in which used in the country, and at the usual times and places. Such restrictions are implied upon their use as are thus indicated.

Therefore, a man may well be prohibited from carrying his arms to church, or other public assemblage, as the carrying them to such places is not an appropriate use of them, nor necessary in order to his familiarity with them, and his training and efficiency in their use.”⁵⁵

19. Texas (1873)

(1) It shall be unlawful for any person to carry any gun, pistol, bowie knife, or other dangerous weapon, concealed or unconcealed, on any day of election, during the hours the polls are open, within a distance of

⁵³ James H. Shankland Public Statutes of the State of Tennessee, since the Year 1858. Being in the Nature of a Supplement to the Code Page 108, Image 203 (Nashville, 1871) available at The Making of Modern Law: Primary Sources. Cited in Kopel, at 251.

⁵⁴ 1870 Tex. Laws 63. An Act Regulating the Right to Keep and Bear Arms. Art. 6511. George Washington Paschal, Reporter A Digest of the Laws of Texas: Containing Laws in Force, and the Repealed Laws on Which Rights Rest. Carefully Annotated. 3rd ed. Vol. 2 Page 1322, Image 292 (Washington D.C., 1873) available at The Making of Modern Law: Primary Sources. Cited in Kopel, at 252.

⁵⁵ Andrews v. State, 50 Tenn. 165, 181–82 (1871). Kopel, at 251.

one half mile of any place of election. (2) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dollars, and by imprisonment in the county jail for not less than one month: Provided, that the provisions of this section shall not apply to any officer of the election, police officer, or other person authorized to preserve the peace on the days of election.⁵⁶

20. Virginia (1877)

If any person carrying any gun, pistol, bowie-knife, dagger, or other dangerous weapon, to any place of worship while a meeting for religious purposes is being held at such place, or without good and sufficient cause therefor, shall carry any such weapon on Sunday at any place other than his own premises, shall be fined not less than twenty dollars. If any offense under this section be committed at a place of religious worship, the offender may be arrested on the order of a conservator of the peace without warrant, and held until warrant can be obtained, but not exceeding three hours.⁵⁷

21. Missouri (1879)

If any person shall carry concealed upon or about his person any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school-room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court-room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill, or meetings called under the militia law of this state, having upon or about his person any kind of fire-arms, bowie-knife, dirk, dagger, slung-shot, or other deadly weapon . . . he shall, upon conviction, be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not less than five days or more six months, or by both such fine and imprisonment.⁵⁸

22. Missouri (1883)

If any person shall carry concealed, upon or about his person, any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill or meetings called under the militia law of this state, having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, slung-shot, or other deadly weapon, or shall in the presence of one or more persons shall exhibit any such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he

⁵⁶ Criminal Code, Riots and Unlawful Assemblies at Elections Violence Used Towards Electors, Art. 6490. George Washington Paschal, Reporter A Digest of the Laws of Texas: Containing Laws in Force, and the Repealed Laws on Which Rights Rest. Carefully Annotated. 3rd ed. Vol. 2 Page 1317-1318, Image 287-288 (Washington D.C., 1873) available at The Making of Modern Law: Primary Sources. Also found in A Digest Of The Laws Of Texas, Containing The Laws In Force, And The Repealed Laws On Which Rights Rest, From 1754 To 1874, Carefully Annotated 1317-18 (4th ed. 1874). Kopel, at 244.

⁵⁷ 1877 Va. Acts 305. Kopel, at 247.

⁵⁸ 1879 Mo. Laws § 1274.

shall, upon conviction, be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.⁵⁹

23. New York (1883)

No person under the age of eighteen years shall have, carry or have in his possession in any public street, highway or place in any of the cities of this state, any pistol or other fire-arms of any kind, and no person shall in such cities sell or give any pistol or other fire-arms to any person under such age.⁶⁰

24. Oklahoma (1890)

Crimes and Punishment. § 7. It shall be unlawful for any person, except a peace officer, to carry into any church or religious assembly, any school room or other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ball room, or to any party or social gathering, or to any election, or to any place where intoxicating liquors are sold, or to any political convention, or to any other public assembly, any of the weapons designated in sections one and two of this article.⁶¹

25. New York (1892)

No person shall trespass upon inclosed or cultivated lands for the purpose of shooting or hunting any game ... after public notice has been given by the owner or person entitled to the exclusive right to shoot ... thereon...; being on such lands with gun ... shall be deemed a violation of this section.⁶²

26. Oregon (1893)

§ 1. It shall be unlawful for any person, other than an officer on lawful business, being armed with a gun, pistol, or other firearm, to go or trespass upon any enclosed premises or lands without the consent of the owner or possessor thereof. § 2. It shall be unlawful for any person to shoot upon or from the public highways. § 3. It shall be unlawful for any person, being armed with a gun or other firearm, to cause, permit or suffer any dog, accompanying such person, to go or enter upon any enclosed premises without the consent of the owner or possessor thereof; provided; that this section shall not apply to dogs in pursuit of deer or varmints.⁶³

⁵⁹ 1883 Mo. Laws 76, An Act To Amend Section 1274, Article 2, Chapter 24 Of The Revised Statutes Of Missouri, Entitled "Of Crimes And Criminal Procedure," § 1.

⁶⁰ 1883 Laws of New York – 106th Legislature 556-557. "AN ACT to limit the carrying and sale of pistols and other fire-arms in the cities of this state." Chapter 375, Section 1. Passed May 10, 1883.

⁶¹ Leander G Pitman The Statutes of Oklahoma, 1890. (From the Laws Passed by the First Legislative Assembly of the Territory) Page 496, Image 512 (Guthrie, 1891) available at The Making of Modern Law: Primary Sources. Kopel, at 254.

⁶² NY General Laws Chapter 31 Section 210. 1892 Laws of New York - 115th Legislature Regular Session 983 - 1010 at 1001.

⁶³ 1893 Or. Laws 79, An Act to Prevent a Person from Trespassing upon Any Enclosed Premises or Lands Not His Own Being Armed with a Gun, Pistol, or Other Firearm, and to Prevent Shooting upon or From the Public Highway, §§ 1-3. Kopel, at 246.

27. Colorado (1899)

Ordinances of the City of Boulder. 511. No Firearms or Shooting in. § 1. Any person other than the police officers of the city who shall take or carry or cause to be taken or carried into any of the parks belonging to the City of Boulder, any gun, pistol, revolver, or other firearm, or who shall shoot any firearm at or towards or over or into or upon any of said parks, shall be deemed guilty of a misdemeanor.⁶⁴

III. No Guns / Shooting Near Buildings / Towns / Cities

1. Pennsylvania Colony (1712)

And that no master or commander of any merchant ship or vessel shall fire, or suffer to be fired, on board his vessel, any ordinance or other gun after eight o'clock in the evening, nor before daylight in the morning, without license from the governor first had, under the penalty of ten shillings for every offense. Nor shall any person presume to fire any gun, guns or small arms within the built part of the said city [Philadelphia], without special license from the governor, or some magistrate of the said city for so doing, under the penalty of two shillings and six pence for every offense.⁶⁵

2. Pennsylvania Colony (1721)

Be it therefore enacted by the authority aforesaid, That if any person or persons, of what sex, age, degree or quality soever, from and after publication hereof, shall fire any gun or other firearms, or shall make or cause to be made, or sell, or utter, or offer to expose to sale, any squibs, rockets or other fireworks, or shall cast, throw or fire any squibs, rockets or other fireworks, within the city of Philadelphia, without the governor's special license for the same, of which license due notice [shall] first be given to the mayor of the said city, such person or persons so offending, and being thereof convicted before any one justice of the peace of the said city, either by confession of the party so offending, or by the view of any of the said justices, or by the oath or affirmation of one or more witnesses, shall, for every such offense, forfeit and pay the sum of five shillings...⁶⁶

3. Massachusetts Colony (1746); Re-enacted by Massachusetts Colony (1751, 1772) Massachusetts (1778)

Whereas by the indiscreet firing of guns laden with shot[t] and ball within the town and harbour of Boston, the lives and limbs of many persons have been lost, and others have been in great danger, as well as other dammage has been sustained ; for the prevention thereof for the future,

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

⁶⁴ Oscar F. Greene, A Revised Ordinances of the City of Boulder Page 157, Image 168 (1899) available at The Making of Modern Law: Primary Sources.

⁶⁵ An Act for the Better Government of the City of Philadelphia. 1712 Statutes at Large of Pennsylvania, Chapter CLXXXVI. Available at: <https://www.palrb.gov/Preservation/Statutes-at-Large/View-Documents/17001799/1712/0/act/0186.pdf> (last accessed April 20, 2023).

⁶⁶ An Act for Preventing Accidents That May Happen By Fire, 1721 Statutes at Large of Pennsylvania Chapter CCXLV, Section IV. Available at <https://www.palrb.gov/Preservation/Statutes-at-Large/View-Documents/17001799/1721/0/act/0245.pdf> (last accessed April 20, 2023).

[Sect. 1.] That no person or persons, from and after the publication of this act, shall presume to discharge or fire off any cannon laden with shot[t], from any wharf[f]e or vessel in that part of the harbour of said town which is above the castle, on pain of forfeiting the sum of fifteen pounds for each gun so fired or discharged ; one moiety of said penalty to be to and for the use of the poor of said town of Boston, and the other moiety to him or them who shall inform, complain and sue for the same, to be recovered by action, bill, plaint or information, before any of his majesty's courts of record within the county of Suffolk ; and upon refusal thereof, such person shall suffer three months' imprisonment without bail or mainprize.

And be it further enacted,

[Sect. 2.] That no person shall, from and after the publication of this act, discharge any gun or pistol, charged with shot[t] or ball, in the town of Boston (the islands thereto belonging excepted), or in any part of the harbour between the castle and said town, on pain of forfeiting forty shillings [for] each gun or pistol so fired or discharged, to be recovered before one or more of his majesty's justices of the peace for the county of Suffolk, and disposed of in manner as aforesaid ; or shall suffer ten days' imprisonment. And for the more effectual conviction of any person or persons so offending, it shall be lawful for any person to seize and take into custody any gun so fired off, and deliver the same to one of the next justices of the peace in said town of Boston, in order to its being produced at time of trial.⁶⁷

4. Pennsylvania Colony (1751)

To the end the provisions already made by our laws, for preventing accidents which may happen by fire in the city of Philadelphia, and several other burroughs and towns, within this province, may be made more generally useful, and to prevent, as much as in us lies, the growing sins of idleness, drunkenness, and other debaucheries, too frequent among us, *Be it enacted*, that if any person or persons whatsoever, within any county town, or within any other town or borough, in this province, already built and settled, or here-after to be built and settled, not hitherto restricted nor provided for by our laws, shall set on fire their chimnies to cleanse them, or shall suffer them or any of them to take fire, and blaze out at the top, or shall fire any gun or other fire-arm, or shall make, or cause to be made, or sell or utter, or offer to expose to sale, any squibs, rockets or other fire-works, or shall cast, throw or fire any squibs, rockets or other fire-works, within any of the said towns or boroughs, without the governor's special license for the same, every such person or persons, so offending, shall be subject to the like penalties and forfeitures, and to be recovered in like manner, as in and by an act, passed in the eighth year of the reign of king George the first, entitled, An act for preventing accidents that may happen by fire, are directed to be levied and recovered.

⁶⁷ An Act To Prevent The Firing Of Guns Charged With Shot[t] Or Ball In The Town Of Boston. Massachusetts Province Laws 1746-1747, Chapter 11 (passed September 13, 1746). Accessed April 19, 2023: <https://archives.lib.state.ma.us/bitstream/handle/2452/118151/1746acts0011.pdf?sequence=3&isAllowed=y>. Re-enacted in 1751-1752 Acts and Resolves of Massachusetts Chapter 7 (<https://archives.lib.state.ma.us/bitstream/handle/2452/116217/1751acts0007.pdf?sequence=4&isAllowed=y>, last accessed April 19, 2023); further re-enacted by Massachusetts colony 1772-1773 Acts and Resolves of Massachusetts Chapter 52 (<https://archives.lib.state.ma.us/bitstream/handle/2452/116953/1772acts0052.pdf?sequence=4&isAllowed=y>, last accessed April 19, 2023); further re-enacted by Massachusetts state in 1778-1779 Acts and Resolves of Massachusetts Chapter 17 (<https://archives.lib.state.ma.us/bitstream/handle/2452/117121/1778acts0017.pdf?sequence=4&isAllowed=y>, last accessed April 19, 2023).

Passed 9th February, 1751.-I Sm. L. p. 208.⁶⁸

5. Pennsylvania Colony (1760)

And be it further enacted by the authority aforesaid, That no person whatsoever shall presume *to shoot at* or kill with a firearm any pigeon, dove, partridge, or *other fowl in the open streets of the city of Philadelphia, or in the gardens, orchards and enclosures adjoining upon and belonging to any of the dwelling houses within the limits of the said city*, upon the forfeiture of five shillings for every such offense.⁶⁹

6. New York Colony (1763)

CHAP. MCXXXIII.

An Act to prevent hunting with Fire-Arms in the City of New-York, and the Liberties thereof.

Pass'd the 20th December, 1763

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

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

⁶⁸ AN ACT FOR THE MORE EFFECTUAL PREVENTING ACCIDENTS WHICH MAY HAPPEN BY FIRE, AND FOR SUPRESSING IDLENESS, DRUNKENNESS, AND OTHER DEBAUCHERIES, Passed 9th February, 1751. 1700-1846 52, Pennsylvania - General Laws Chronologically Arranged. Available at <https://heinonline.org/HOL/P?h=hein.ssl/sspa0135&i=84> (last accessed May 4, 2023).

⁶⁹ Ordinances of Philadelphia, Act of April 9, 1760, § 7. A Digest of the Laws of Pennsylvania 270 (1818), Act of April 9th, 1760. Also cited in Clement S. Miller, A Digest of the Ordinances of the Corporation of the City of Philadelphia; and of the Acts of Assembly Relating Thereto Page 87, Image 91 (1828) available at The Making of Modern Law: Primary Sources.

Confessions of the Party offending, she, she or they so offending, shall severally forfeit and pay for every such Offence, the Sum of *Twenty Shillings*; to be recovered and applied in the Manner herein directed.⁷⁰

7. Massachusetts (1782)

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same. That if any Person shall take into any Dwelling House, Stable, Barn, Out House, Ware House, Store, Shop, or other Building within the Town of Boston, any Cannon, Swivel, Mortar, Howitzer, Cannon, or Fire Arm, loaded with, or having Gun Powder in the same, or shall receive into any Dwelling House, Stable, Barn, Out House, Store, Ware House, Shop, or other Building, within the said Town, any Bomb, Grenade, or other Iron Shell, charged with, or having Gun Powder in the same, such Person shall forfeit and pay the Sum of Ten Pounds, to be recovered at the Suit of the Firewards of the said Town, in an Action of Debt, before any Court proper to try the same ; one Moiety thereof to the Use of the said Firewards, and the other Moiety to the Support of the Poor of the Town of Boston.

And be it further enacted by the Authority aforesaid, That all Cannon, Swivels, Mortars, Howitzers, Cannons, Fire Arms, Bombs, Granades, and Iron Shells of any Kind, that shall be found in any Dwelling House, OutHouse, Stable, Barn, Store, Ware House, Shop, or other Building, charged with, or having in them any GunPowder, shall be liable to be seized by either of the Firewards of the said Town : And upon Complaint made by the said Firewards to the Court of Common Pleas, of such Cannon, Swivels, Mortars, or Howitzer, being so found, the Court shall proceed to try the Merits of such Complaint by a Jury ; and if the Jury shall find such Complaint supported, such Cannon, Swivel, Mortar, or Howitzer, shall be adjudged forfeit, and be sold at public Auction ; and one Half of the Proceeds thereof shall be disposed of to the Firewards, and the other Half to the Use of the Poor of the Town of Boston. And when any Fire Arms, or any Bomb, Grenade, or other Shell, shall be found in any House, Out House, Barn, Stable, Store, Warehouse, Shop, or other Building, so charged, or having Gun Powder in the same, the same shall be liable to be seized in Manner aforesaid ; and on Complaint thereof, made and supported before- a Justice of the Peace, shall be sold and disposed of as is above provided for Cannon.⁷¹

8. New York (1786)

... [*W*]hereas the firing and discharging of guns, pistols, rockets, crackers, squibs and other fire works in the city of New York, may not only do personal injury to the inhabitants and others, but the city be in danger of being set on fire by such practices; for remedy whereof.

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

That if any person or persons of what age sex or quality soever, from and after the said first day of June next, shall fire and discharge any gun, pistol, rocket, cracker, squib or other fire work, in any street, lane or alley, garden or other inclosure or from any house, or in any other place where persons frequently walk, to the southward of fresh water; that then every such person or persons so offending and being thereof

⁷⁰ An Act to prevent hunting with Fire-Arms in the City of New-York, and the Liberties thereof. Pass'd the 20th December, 1763. 1761-1775 New York – 27th-29th Assemblies 390, 441.

⁷¹ 1782 Massachusetts Acts and Resolves of the General Court Ch. 46. (Alternative citation Act of Mar 1, 1783, ch. XIII, 1783 Mass. Acts p. 218). Available at <https://archives.lib.state.ma.us/bitstream/handle/2452/104027/1782acts0046.pdf?sequence=4&isAllowed=y> (last accessed April 20, 2023). Cited in Heller, 554 U.S. at 685–86 (Breyer, J., dissenting). Kopel, at 238-239.

convicted before one or more justice or justices of the peace, for the said city, and county of New York ... shall for every offence forfeit the sum of twenty shillings....⁷²

9. Ohio (1788)

[I]f any person shall presume to discharge or fire, or cause to be discharged or fired, any gun or other fire arms at any mark or object, or upon any pretence whatever, unless he or she shall at the same time be with such gun or fire-arms at the distance of at least one quarter mile from the nearest building of any such city, town, village or station, such person shall for every such offense, forfeit and pay to the use of the county in which the same shall be committed, a sum not exceeding five dollars, nor less than one dollar. And if any person being within a quarter of a mile of any city, town, village or station as aforesaid, shall at the same time willfully discharge or fire any gun or fire-arms, or cause or procure the same to be discharged or fired, at any time after the setting of the sun and before the rising of the same, he or she so offending, shall in like manner forfeit and pay the use aforesaid, a sum not exceeding five dollars, nor less than one dollar[.]⁷³

10. Delaware (1812)

If any person or persons shall presume to fire or discharge any gun, ordinance, musket, fowling piece, fuse or pistol within any of the towns or villages of this State or within the limits thereof, or where the limits cannot be ascertained, within one quarter of a mile of the centre of such town or village shall fire or discharge any gun ordinance, musket, fowling piece, fusee or pistol within or on any of the greens, streets, alleys or lanes of any of the towns and villages within this State, whereon any buildings are or shall be created or within one hundred yards of any mill-dam, over or across where any of the main public or State roads may go or pass; every person or persons so offending shall be fined or punished as hereinafter directed.⁷⁴

11. Rhode Island (1819)

And be it further enacted, That if any person or persons shall, at any time hereafter, fire any gun or pistol in any of the streets, roads, lanes, buildings, or from any of the walls or fences thereto contiguous, and within the compact part of said town, without justifiable cause, such person or persons shall upon complaint and conviction thereof as aforesaid, pay a fine not less than two dollars nor more than four dollars for the first offense, and the sum of four dollars for each and every subsequent offence, to be paid and appropriated as aforesaid.⁷⁵

⁷² 1786 Laws of the State of New York – 9th Legislative Session 285-286. “An ACT for the more effectual prevention of fires in the city of New York” (passed the 22nd of April, 1786). Re-enacted 1801 “An Act for the more effectual prevention of fires and to regulate buildings in the city of New York”) passed the 27th of March 1801). 1801 Laws of the State of New York – 24th Legislative Session Chapter 80, 166-170 at 169.

⁷³ 1788-1801 Ohio Laws 42, An Act for Suppressing and Prohibiting Every Species of Gaming for Money or Other Property, and for Making Void All Contracts and Payments Made in Furtherance Thereof, ch. 13, § 4.

⁷⁴ 1812 Del. Laws 329, An Act to Prevent the Discharging of Fire-Arms Within the Towns and Villages, and Other Public Places Within this State, and for Other Purposes. §1.

⁷⁵ 1819-21 R.I. Pub. Laws 289, An Act To Prevent Certain Disorders In The Town Of Bristol, § 3.

12. Ohio (1833)

An Act for Suppressing and Prohibiting Every Species of Gaming for Money or Other Property and for making Void all contracts and payments made in consequence thereof, and so for restraining the disorderly practice of discharging fire arms at certain hours and places, § 4. Be it enacted, That if any person shall presume to discharge or fire, or cause to be discharged or fired, any gun or other fire-arms at any mark or object, or upon any pretense whatever, unless he or she at the same time be with such gun or fire-arms at the distance of at least one-quarter of a mile from the nearest building of any such city, town, village or station, such person shall for every such offense, forfeit and pay to the use of the county in which the same shall be committed, a sum not exceeding five dollars, nor less than one dollar. And if any person being within a quarter of a mile of any city, town, village, or station as aforesaid, shall at the same time willfully discharge or fire any gun or fire-arms or cause or procure the same to be discharged or fired, at any time after the setting of the sun and before the rising of the same, he or she so offending, shall in like manner forfeit and pay to the use aforesaid a sum not exceeding five dollars, nor less than one dollar; reserving nevertheless to any person who will inform, and sue for either of the penalties hereinbefore last mentioned within one month from the commission of the offense, a moiety of the penalty which the party offending shall on conviction be adjudged to forfeit and pay, the other moiety thereof to go to the use of the county as aforesaid ; which said several penalties, or either of them, shall be recoverable with costs, before any justice, judge, or court having cognizance of the same.⁷⁶

13. Rhode Island (1835)

An Act to Prevent the Firing of Guns within Certain Limits, § 1. Be it enacted by the General Assembly and by the authority thereof it is enacted, That if any person shall fire or discharge any musket, rifle, fowling piece, blunderbuss or other small arms, not being at the time under military duty, within the following limits viz: the whole city of Providence, excepting the public waters and public rivers therein; also such parts of the town of Cranston and Johnston as are contained with the following limits to wit: beginning in Pawtuxet road at the Providence line, thence running Southerly on said Pawtuxet road, until it comes to a cross road heading to Cranston . . . , except upon land owned or occupied by him, or except on other days than the first day of the week, by permission of the owner or occupant of the land, on, and into which he may shoot, he shall pay as a fine the sum of five dollars for the first offence, and ten dollars for every subsequent offence; to be recovered by action of debt before any justice of the peace within the county in which said offence may be committed, by any person who may sue for the same with cost of suit. § 2. And be it further enacted, That nothing in this Act contained, shall affect the right of any person who may sustain damages by the offence aforesaid, to sue for and recover the same; and all prosecutions under this Act, shall be commenced within thirty days of the commission of the alleged offence, and not afterwards.⁷⁷

⁷⁶ Ordinance of 1787; the Constitutions of Ohio and of the United States, and Various Public Instruments and Acts of Congress; Illustrated by a Preliminary Sketch of the History of Ohio; Numerous References and Notes and Copious Indexes Page 106, Image 107 (Vol. 1, 1833) available at The Making of Modern Law: Primary Sources.

⁷⁷ The Charter and Ordinances of the City of Providence, with the Acts of the General Assembly Relating to the City Page 60, Image 61 (1835) available at The Making of Modern Law: Primary Sources.

14. Pennsylvania (1851)

Any person who shall, willfully and maliciously, carry any pistol, gun, dirk-knife, slung-shot or deadly weapon in said borough of York, shall deemed guilty of felony, and being thereof convicted shall be sentenced to undergo imprisonment at hard labor...⁷⁸

15. Ohio (1855)

If any person, or persons, shall fire any cannon, gun, or other firearms, within the bounds of the building lots, or cemetery ground in this city, or within one hundred yards of any public road, within this corporation, except by permission of council, and except in proper situations for firing salutes, or by command of a military officer in the performance of military duty, every person, so offending, on conviction thereof, shall pay a fine not exceeding ten dollars, and costs.⁷⁹

16. Georgia (1858)

Ordinances. § 5. It shall not be lawful for any person to fire a gun, pistol, or any other fire arms, within three hundred yards of any house, except in cases of military parade; nor shall any person burn rockets, crackers, or any kind of fireworks within the limits of the city. Any person so offending shall be fined in a sum not exceeding twenty dollars.⁸⁰

17. Texas (1866)

It shall not be lawful for any person to discharge any gun, pistol, or fire arms of any description whatever, on, or across any public square, street, or alley, in any city or town in this state; Provided this act shall not be so construed as to apply to the “outer town,” or suburbs, of any city or town.⁸¹

18. Tennessee (1869)

Elections. § 2. That it shall not be lawful for any qualified voter or other person attending any election in this State, or for any person attending any fair, race course, or other public assembly of the people, to carry

⁷⁸ 8 April 1851, P.L. 382 Section 4 (page 323). Frederick C. Brightly, A Digest of the Laws of Pennsylvania from the year 1700 to the 10th Day of July 1872, Volume 1 (10th Ed. 1873), at 323. Similar prohibitions existed for carrying concealed weapons in Philadelphia (13 May 1850 Section 14) or Schuylkill County (5 May 1864 P.L. 823 Section 1). Available at https://www.google.com/books/edition/A_Digest_of_the_Laws_of_Pennsylvania/EfZBAAAAYAAJ last accessed April 20, 2023).

⁷⁹ Ordinances of the City of Dayton. Offenses. § 38. Sec. XXXIX. George W. Malambre, Laws and General Ordinances of the City of Dayton, Containing the Laws of the State upon Municipal Government; All the General Ordinances in Force August 30th, 1855; a List of the Officers of the City under the New Act of Incorporation, Together with the Amount of Taxes Levied in Each Year for General and Special Purposes, since 1851, and the Total Amount in Each Year, of Property Subject to Taxation Page 214, Image 219 (1855) available at The Making of Modern Law: Primary Sources.

⁸⁰ A Compilation of the Acts of the Legislature Incorporating the City of Macon, Georgia, and of the Ordinances, Passed by the City Council of Macon, to the 14th February, 1858, Now of Force Page 48, Image 48 (1858) available at The Making of Modern Law: Primary Sources.

⁸¹ 1866 Tex. Gen. Laws 210, An Act To Prohibit The Discharging Of Fire Arms In Certain Places Herein Named, chap. 170, § 1.

about his person, concealed or otherwise, any pistol, dirk, Bowie-knife, Arkansas toothpick, or weapon in form, shape, or size resembling a Bowie knife or Arkansas tooth-pick, or other deadly or dangerous weapon. § 3. That all persons convicted under the second section of this act shall be punished by fine of not less than fifty dollars, and by imprisonment, or both, at the discretion of the court.⁸²

19. Louisiana (1870)

It shall not be lawful for any person or persons to erect, or in any manner establish or continue any pistol or shooting gallery within the limits of the city of New Orleans, without having first obtained the consent of two-thirds of the persons residing within one square of the place where any pistol or shooting gallery is intended to be established, and permission of the common council; and it shall be the duty of any person or persons so establishing such shooting gallery, to have the same so enclosed as to prevent the report of fire-arms being heard in the street or streets on which the same may be located.⁸³

20. Texas (1871)

That from and after the passage of this act it shall be unlawful to fire any pistol, rifle, shot gun, or other kind of firearms, within the limits of the town of Millican, and any person violating this act shall be fined not less than five nor more than twenty-five dollars...⁸⁴

21. Connecticut (1877)

Ordinances of Norwich. § 15. No person or persons shall fire any swivel, musket, fowling-piece, pistol, or other gun of any description within said city at a less distance than fifty rods from any dwelling house, or public highway, or street without written permission from the Mayor or one of the aldermen of said city; and every person so offending shall, for every such offence, forfeit and pay for the use of said city the sum of three dollars: Provided always, that nothing herein contained shall be construed to extend to the members of any military company when under the command of any military officer, not to prevent the firing of any gun or guns for the destruction of any noxious birds or animals by any person or persons upon his or their premises.⁸⁵

22. Wisconsin (1883)

Any person who shall be found in or upon any street, alley or public ground within said city, or within any saloon, shop, store, grocery, hall, church, school house, barn, building or other place within said city . . .

⁸² James H. Shankland Public Statutes of the State of Tennessee, since the Year 1858. Being in the Nature of a Supplement to the Code Page 108, Image 203 (Nashville, 1871) available at The Making of Modern Law: Primary Sources.

⁸³ Ordinances of the City of New Orleans. Offences and Nuisances. § 636. Henry Jefferson Leovy, The Laws and General Ordinances of the City of New Orleans, Together with the Acts of the Legislature, Decisions of the Supreme Court. And Constitutional Provisions Relating to the City Government. Revised and Digested, Pursuant to an Order of the Common Council. New Edition Page 257, Image 257 (1870) available at The Making of Modern Law: Primary Sources.

⁸⁴ 1871 Tex. Gen. Laws 14, An Act To Incorporate The Town Of Millican, County of Brazos, Art. 10.

⁸⁵ J. M. Meech, Charter and Revised Ordinances of the City of Norwich With the Amendments Thereto, and Statutes of the State Relating to Municipal Corporations, in Force January 1st, 1877 Page 178, Page 185 (1876) available at The Making of Modern Law: Primary Sources.

shall use toward or in the presence of another, violent or insulting language or be guilty of any breach of the peace, or firing of any gun or pistol, or fighting or threatening to fight, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding twenty-five (\$25) dollars and costs of prosecution, or imprisonment in the county jail not more than ninety days, or both, in the discretion of the court.⁸⁶

23. New York (1883)

No person under the age of eighteen years shall have, carry or have in his possession in any public street, highway or place in any of the cities of this state, any pistol or other fire-arms of any kind, and no person shall in such cities sell or give any pistol or other fire-arms to any person under such age.⁸⁷

24. Massachusetts (1887)

Ordinance so the City of Fall River, Streets Use. Revised Ordinance. Discharge of Firearms. § 20. No person shall, except in the performance of some legal duty, discharge any gun, pistol or firearm in any street or public place, or within fifty rods of any dwelling house.⁸⁸

25. Wisconsin (1888)

An Ordinance in Relation to the Discharge of Firearms and firecrackers and to the use and exhibition of fireworks, § 1. No person shall fire or discharge any cannon, gun, fowling piece, pistol or firearms of any description, or fire, explode or set off any squib, cracker or other thing containing powder or other combustible or explosive material, or set off or exhibit any fireworks within the limits of the city of La Crosse, without having first obtained written permission from the mayor, which permission shall limit the time and fix the place of such firing, and shall be subject to be revoked at any time after the same may have been granted. Any violation of this ordinance shall subject the person or persons so violating the same to a fine of not less than one dollar nor exceeding twenty-five dollars; but this ordinance shall not be construed to prohibit the discharge of firearms by the chief of police or any of his subordinates or any peace officer when required or made necessary in the performance of any duty imposed by law.⁸⁹

26. Rhode Island (1896)

Of Firearms and fire-works, § 1. Every person who shall discharge any rifle, gun, musket, blunderbuss, fowling-piece, pistol, air-gun, spring-gun or other contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles, in or across any road, street, square or lane shall be fined not less than three dollars nor more than twenty dollars. § 3. Every person, not being at the time under military duty, who shall discharge any rifle, gun, musket, blunderbuss, fowling-piece, pistol, air-gun, spring gun, or other small arms, or any contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles, except upon

⁸⁶ 1883 Wis. Sess. Laws 841. vol. 2, An Act to Revise, Consolidate and Amend the Charter of the City of Neenah, Approved March 14, 1873, and the Several Acts Amendatory Thereof, ch. 184, tit. 12, § 162.

⁸⁷ 1883 Laws of New York – 106th Legislature 556-557. “AN ACT to limit the carrying and sale of pistols and other fire-arms in the cities of this state.” Chapter 375, Section 1. Passed May 10, 1883

⁸⁸ City Charter and Revised Ordinances of the City of Fall River, with Special Statutes Relating to the City, and an Appendix Page 158, Image 162 (1887) available at The Making of Modern Law: Primary Sources.

⁸⁹ Charter and Ordinances of the City of La Crosse, with the Rules of the Common Council Page 202, Image 205 (1888) available at The Making of Modern Law: Primary Sources.

land owned or occupied by him or by permission of the owner or occupant of the land on or into which he may shoot, within the compact part of any town or city, or not being at the time on military duty, shall anywhere discharge any of such arms or contrivances on Sunday, shall be fined not exceeding twenty dollars. § 5. Every person who shall discharge any gun, rifle, musket or blunderbuss in any road, street, lane or tavern or other public house, after sun setting and before sun rising, shall be fined five dollars for the first offence and seven dollars for subsequent offense.⁹⁰

27. Colorado (1899)

Ordinances of the City of Boulder. 511. No Firearms or Shooting in. § 1. Any person other than the police officers of the city who shall take or carry or cause to be taken or carried into any of the parks belonging to the City of Boulder, any gun, pistol, revolver, or other firearm, or who shall shoot any firearm at or towards or over or into or upon any of said parks, shall be deemed guilty of a misdemeanor.⁹¹

IV. No Guns / Shooting Near Buildings / Towns (Militia Specific)

1. New Hampshire (1795) (Militia-Specific)

[N]o non-commissioned officer or private soldier, shall upon any muster day, or the evening of the same day, discharge and fire off a musket or gun in any public road, or near thereto, or in, or near to any house, or on, or near to the place of parade, unless leave therefore be first had from a commissioned officer, on penalty of forfeiting for each offence so committed, the sum of one dollar, to be recovered by action before any Justice of the Peace within the county where such offense shall be committed, by any person who will sue therefor, with costs of prosecution.⁹²

2. Vermont (1818) (Militia-Specific)

No noncommissioned officer, private or citizen shall unnecessarily fire a gun, single musket or pistol, in any public road, or near any house or place of parade, on the evening preceding, on the day or evening of the same, on which any troop company, battalion or regiment shall be ordered to assemble for military duty, unless embodied under the command of some commissioned officer; and if any non-commissioned officer, private or citizen, shall fire a musket, single gun or pistol, except as aforesaid, on the day or evening as aforesaid, without being embodied as aforesaid, he shall forfeit and pay a fine of two dollars for each and every such offence . . .⁹³

⁹⁰ General Laws of the State of Rhode Island and Providence Plantations to Which are Prefixed the Constitutions of the United States and of the State. Page 371-372, Image 387-388 (Providence, 1896) available at The Making of Modern Law: Primary Sources.

⁹¹ Oscar F. Greene, A Revised Ordinances of the City of Boulder Page 157, Image 168 (1899) available at The Making of Modern Law: Primary Sources.

⁹² 1795 N.H. Laws 525, An Act in Addition to an Act, Entitled, "An Act for Regulating the Militia within this State."

⁹³ 1818 Vt. Acts & Resolves 64-65, An Act Regulating and Governing the Militia of This State, § 42.

V. No Guns / Shooting Near Roads

1. Massachusetts (1713)

Whereas the limbs and lives of several persons have been greatly endangered, in riding over Boston Neck, by their horses throwing of them, being affrighted, and starting at the firing of guns by gunners that frequent there after game ; for preventing whereof for the future, Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled., and by the authority of the same,

[Sect. 1.] That no person or persons, from and after the publication of this act, may presume to discharge or fire off any gun upon Boston Neck, within ten rods of the road or highway leading over the same, on pain of forfeiting and paying the sum of twenty shillings for each gun so fired or discharged, one moiety thereof to be to and for the use of the poor in the said town of Boston, and the other moiety to him or them that shall inform, complain and sue for the same ; to be recovered before the court of general sessions of the peace within the county, or before any one or more of her majesty's justices of the peace out of court.

[Sect. 2.] And, for the better conviction of persons offending against this act, it shall be lawful, to and for any freeholder, to arrest and take into custody any gun so fired off, and render the same to one of the next justices in Boston, in order to its being produced at the time of tryal.

[Passed October 23; published November 2.]⁹⁴

2. Pennsylvania Colony (1760)

If any person or persons shall presume to carry any gun, or hunt on any enclosed or improved lands of any of the inhabitants of this province, other than his own, unless he shall have license or permission from the owner of such lands, or shall presume to fire a gun on or near any of the king's highways, and shall be thereof convicted, either upon view of any justice of the peace within this province, or by the oath or affirmation of any one or more witnesses, before any justice of the peace, he shall, for every such offence, forfeit the sum of forty shillings.⁹⁵

3. Delaware (1812)

If any person or persons shall presume to fire or discharge any gun, ordinance, musket, fowling piece, fuse or pistol within any of the towns or villages of this State or within the limits thereof, or where the limits cannot be ascertained, within one quarter of a mile of the centre of such town or village shall fire or discharge any gun ordnance, musket, fowling piece, fusee or pistol within or on any of the greens, streets,

⁹⁴ An Act To Prohibit Shooting Or Firing Off Guns Near The Road Or Highway On Boston Neck, 1713-1714 Acts and Resolves of the Massachusetts General Court, Chapter 6. <https://archives.lib.state.ma.us/bitstream/handle/2452/119077/1713acts0006.pdf?sequence=3&isAllowed=y>. Last accessed April 19, 2023.

⁹⁵ John W. Purdon, A Digest Of The Laws Of Pennsylvania From The Year One Thousand Seven Hundred To The Twenty-First Day Of May, One Thousand Eight Hundred And Sixty-One 534 (9th ed. 1862). Kopel, at 235 (footnote 119) (“The 1721 Pennsylvania statute applied to all persons who hunted or carried a gun without permission on someone else’s enclosed or improved lands; the statute also forbade poor people (those not eligible to vote) from hunting on unimproved land (“the woods”). The property requirement was repealed by the 1760 statute. The 1760 law also forbade firearms discharge while hunting near highways—a safety restriction that remains common in modern American law.”). Available at <https://www.palrb.gov/Preservation/Statutes-at-Large/View-Documents/17001799/1760/0/act/0456.pdf> (last accessed April 20, 2023).

alleys or lanes of any of the towns and villages within this State, whereon any buildings are or shall be created or within one hundred yards of any mill-dam, over or across where any of the main public or State roads may go or pass; every person or persons so offending shall be fined or punished as hereinafter directed.⁹⁶

4. Rhode Island (1819)

And be it further enacted, That if any person or persons shall, at any time hereafter, fire any gun or pistol in any of the streets, roads, lanes, buildings, or from any of the walls or fences thereto contiguous, and within the compact part of said town, without justifiable cause, such person or persons shall upon complaint and conviction thereof as aforesaid, pay a fine not less than two dollars nor more than four dollars for the first offense, and the sum of four dollars for each and every subsequent offence, to be paid and appropriated as aforesaid.⁹⁷

5. Rhode Island (1835)

§ 1. No person shall fire any gun, pistol, rifle or other fire-arm, in any street or lane, or on any public wharf, or on any public lands within said city, after sunrise and before sunset. § 2. Any person who shall violate any provision in the foregoing section contained, shall forfeit and pay the sum of not less than two dollars nor more than twenty dollars. § 3. No person shall open, keep, or maintain, or permit to be opened, kept, or maintained upon premises owned or occupied by him, within the distance of two hundred feet from any street, highway, gangway, or open way over which the inhabitants of this city pass or may freely pass, within the limits of the city, any pistol gallery, or room, or place for the purpose of testing or firing any pistol, rifle, musket, or other fire-arm, without using all such precautions against damage or accidents, as the city marshal may direct; and every person so transgressing shall forfeit and pay the sum of twenty dollars. § 4. Every person who shall open, keep, or maintain or permit to be opened, kept, or maintained, any place as aforesaid, after the city marshal shall have given directions as aforesaid, without using the prescribed precautions, shall for every three days during which he shall neglect to use such precautions, be deemed guilty of a violation of the third section of this ordinance and shall be fined accordingly.⁹⁸

6. Rhode Island (1851)

§ 1. No pistol gallery, or rifle gallery, or any other building, or enclosure, where fire arms are used for practicing in firing with ball or shot, shall hereafter be kept in the compact part of the town of Newport, under a penalty of two hundred dollars for the first offence and five hundred dollars for every subsequent offense; to be recovered, to and for the use of the State, by indictment in any court proper to try the same. And the town council of said town is hereby authorized and directed to define the limits of the compact part of said town, which limits shall be taken and deemed, to all intents under this act, to comprehend the compact part of the town. § 2: The town council of said town is hereby authorized and required to assess, levy and collect a tax not exceeding two hundred dollars per annum on any person who shall own or keep a pistol gallery, rifle gallery, or other building or enclosure, referred to in the preceding section, which tax

⁹⁶ 1812 Del. Laws 329, An Act to Prevent the Discharging of Fire-Arms Within the Towns and Villages, and Other Public Places Within this State, and for Other Purposes. §1.

⁹⁷ 1819-21 R.I. Pub. Laws 289, An Act To Prevent Certain Disorders In The Town Of Bristol, § 3.

⁹⁸ Ordinances of the City of Providence, Fire-arms. An Ordinance in Relation to the Firing of Guns, Pistols and other Fire-arms. The Charter and Ordinances of the City of Providence, with the Acts of the General Assembly Relating to the City Page 60, Image 61 (1835) available at The Making of Modern Law: Primary Sources.

shall be collected and appropriated in the same manner as is provided in the fifth section of the act of which this is an amendment in regard to the tax therein mentioned.⁹⁹

7. Ohio (1855)

If any person, or persons, shall fire any cannon, gun, or other firearms, within the bounds of the building lots, or cemetery ground in this city, or within one hundred yards of any public road, within this corporation, except by permission of council, and except in proper situations for firing salutes, or by command of a military officer in the performance of military duty, every person, so offending, on conviction thereof, shall pay a fine not exceeding ten dollars, and costs.¹⁰⁰

8. Rhode Island (1857)

Of Bowling-alleys, Billiard Tables and Shooting Galleries, § 2. Any person who shall keep any pistol gallery, rifle gallery or other building or enclosure where fire-arms are used for practicing in firing with ball or shot in the compact part of the city of Newport, shall be fined two hundred dollars for the first offence, and five hundred dollars for each subsequent offence. § 3. The town council of each town shall define the limits of the compact part of such town; which limits shall be taken and deemed to comprehend the compact part of such town within the meaning of this chapter. . . § 7. . . and a tax not exceeding two hundred dollars per annum on any person who shall own or keep a pistol gallery, rifle gallery, or other building or enclosure referred to in the second section hereof.¹⁰¹

9. Maryland (1874)

Roads. § 12. No person shall fire any gun, pistol or firelock of any kind, on or within twenty yards of any public road, street, bridge, causeway or highway in Cecil county, under a penalty of not less than five nor more than twenty dollars, to be recovered in the same manner as prescribed in section one hundred and seventy seven of this Article.¹⁰²

10. Connecticut (1877)

Ordinances of Norwich. § 15. No person or persons shall fire any swivel, musket, fowling-piece, pistol, or other gun of any description within said city at a less distance than fifty rods from any dwelling house, or public highway, or street without written permission from the Mayor or one of the aldermen of said city;

⁹⁹ 1851 R.I. Pub. Laws 9, An Act In Amendment Of An Act Entitled An Act Relating To Theatrical Exhibitions And Places Of Amusement, §§ 1-2.

¹⁰⁰ Ordinances of the City of Dayton. Offenses. § 38. Sec. XXXIX. George W. Malambre, Laws and General Ordinances of the City of Dayton, Containing the Laws of the State upon Municipal Government; All the General Ordinances in Force August 30th, 1855; a List of the Officers of the City under the New Act of Incorporation, Together with the Amount of Taxes Levied in Each Year for General and Special Purposes, since 1851, and the Total Amount in Each Year, of Property Subject to Taxation Page 214, Image 219 (1855) available at The Making of Modern Law: Primary Sources.

¹⁰¹ Samuel Ames, The Revised Statutes of the State of Rhode Island and Providence Plantations: To Which are Prefixed, The Constitutions of the United States and of the State Page 204-205, Image 219-220 (1857) available at The Making of Modern Law: Primary Sources.

¹⁰² Edward Otis Hinkley, Supplement to the Maryland Code: Containing the Acts of the General Assembly Passed at the Session of 1864 Page 76 Image 153 (Vol. 2, 1865) available at The Making of Modern Law: Primary Sources.

and every person so offending shall, for every such offence, forfeit and pay for the use of said city the sum of three dollars: Provided always, that nothing herein contained shall be construed to extend to the members of any military company when under the command of any military officer, not to prevent the firing of any gun or guns for the destruction of any noxious birds or animals by any person or persons upon his or their premises.¹⁰³

11. Nevada (1881)

Any person in this State, whether under the influence of liquor or otherwise, who shall, except in necessary self-defense, maliciously, wantonly or negligently discharge or cause to be discharged any pistol, gun or any other kind of firearm, in or upon any public street or thoroughfare, or in any theater, hall, store, hotel, saloon or any other place of public resort, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the County Jail for a term not less than two nor more than six months, or by a fine not less than one hundred nor more than five hundred dollars, or by both such fine and imprisonment; provided, that no Sheriff, Deputy Sheriff, Marshal, Constable, Deputy Constable or other peace officer shall be held to answer under the provisions of this Act for discharging firearms in the lawful pursuance of his or their duty.¹⁰⁴

12. Connecticut (1882)

By-Laws of the Borough of Wallingford. § 15. . . . the discharging any pistol, gun, cannon or other fire-arms, by any person or military company in any street, park or public ground, provided this section does not apply to the use of such weapons in lawful defense of the person, family or property of any one, in the performance of any duty required by law. . . without the consent of the warden or court of burgesses, are hereby prohibited; and every person who shall, without such consent of said warden or court of burgesses first had or obtained, do any of the acts prohibited in this section, shall forfeit and pay for each offense a sum not exceeding twenty-five dollars for the use of the borough . . .¹⁰⁵

13. Georgia (1882)

. . . it shall be unlawful for any person between dark and daylight willfully and wantonly to fire off or discharge any loaded gun or pistol on any of the public highways in this State, and within fifty yards of any such public highway, except in defense of person or property or on his own premises.¹⁰⁶

14. Wisconsin (1883)

Any person who shall be found in or upon any street, alley or public ground within said city, or within any saloon, shop, store, grocery, hall, church, school house, barn, building or other place within said city . . . shall use toward or in the presence of another, violent or insulting language or be guilty of any breach of

¹⁰³ J. M. Meech, Charter and Revised Ordinances of the City of Norwich With the Amendments Thereto, and Statutes of the State Relating to Municipal Corporations, in Force January 1st, 1877 Page 178, Page 185 (1876) available at The Making of Modern Law: Primary Sources.

¹⁰⁴ 1881 Nev. Stat. 19-20, An Act to Prohibit the Use of Firearms in Public Places, ch. 7, § 1.

¹⁰⁵ The Charter and By-Laws of the Borough of Wallingford Page 55, Image 60 (1882) available at The Making of Modern Law: Primary Sources.

¹⁰⁶ 1882 Ga. Laws 131, An Act to Prevent the Discharge of Fire-arms on the Public Highways of this State and within Fifty Yards of the Same; to make such an act a Misdemeanor, and Prescribe a Punishment Therefor, § 1.

the peace, or firing of any gun or pistol, or fighting or threatening to fight, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding twenty-five (\$25) dollars and costs of prosecution, or imprisonment in the county jail not more than ninety days, or both, in the discretion of the court.¹⁰⁷

15. Massachusetts (1887)

Ordinance so the City of Fall River, Streets Use. Revised Ordinance. Discharge of Firearms. § 20. No person shall, except in the performance of some legal duty, discharge any gun, pistol or firearm in any street or public place, or within fifty rods of any dwelling house.¹⁰⁸

16. Rhode Island (1892)

§ 1. Every person who shall discharge any rifle, gun, musket, blunderbuss, fowling piece, pistol, air gun, spring gun, or other contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles in or across any road, street square, or lane shall be fined not less than three dollars nor more than twenty dollars.”

§ 2. Section 3 of said Chapter 92 is hereby amended so as to read as follows “§ 3. Every person not being at the time under military duty, who shall discharge any rifle, gun, musket, blunderbuss, fowling piece, pistol, air gun, spring gun, or other small arms, or any contrivance arranged to discharge shot, bullets, arrows, darts or other missiles, except upon land owned or occupied by him, or by permission of the owner or occupant of the land on or onto which he may shoot, within the compact part of any town or city, or not being at the time on military duty shall anywhere discharge any of such arms or contrivances on Sunday, shall be fined not exceeding twenty dollars.”¹⁰⁹

17. Oregon (1893)

§ 1. It shall be unlawful for any person, other than an officer on lawful business, being armed with a gun, pistol, or other firearm, to go or trespass upon any enclosed premises or lands without the consent of the owner or possessor thereof. § 2. It shall be unlawful for any person to shoot upon or from the public highways. § 3. It shall be unlawful for any person, being armed with a gun or other firearm, to cause, permit or suffer any dog, accompanying such person, to go or enter upon any enclosed premises without the consent of the owner or possessor thereof; provided; that this section shall not apply to dogs in pursuit of deer or varmints.¹¹⁰

18. Rhode Island (1896)

Of Firearms and fire-works, § 1. Every person who shall discharge any rifle, gun, musket, blunderbuss, fowling-piece, pistol, air-gun, spring-gun or other contrivance arranged to discharge shot, bullets, arrows,

¹⁰⁷ 1883 Wis. Sess. Laws 841. vol. 2, An Act to Revise, Consolidate and Amend the Charter of the City of Neenah, Approved March 14, 1873, and the Several Acts Amendatory Thereof, ch. 184, tit. 12, § 162.

¹⁰⁸ City Charter and Revised Ordinances of the City of Fall River, with Special Statutes Relating to the City, and an Appendix Page 158, Image 162 (1887) available at The Making of Modern Law: Primary Sources.

¹⁰⁹ 1892 R.I. Pub. Laws 14, An Act In Amendment Of Chapter 92 Of The Public Statutes, Entitled “Of Firearms And Fireworks, §§ 1, 3.

¹¹⁰ 1893 Or. Laws 79, An Act to Prevent a Person from Trespassing upon Any Enclosed Premises or Lands Not His Own Being Armed with a Gun, Pistol, or Other Firearm, and to Prevent Shooting upon or From the Public Highway, §§ 1-3.

darts, or other missiles, in or across any road, street, square or lane shall be fined not less than three dollars nor more than twenty dollars. § 3. Every person, not being at the time under military duty, who shall discharge any rifle, gun, musket, blunderbuss, fowling-piece, pistol, air-gun, spring gun, or other small arms, or any contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles, except upon land owned or occupied by him or by permission of the owner or occupant of the land on or into which he may shoot, within the compact part of any town or city, or not being at the time on military duty, shall anywhere discharge any of such arms or contrivances on Sunday, shall be fined not exceeding twenty dollars. § 5. Every person who shall discharge any gun, rifle, musket or blunderbuss in any road, street, lane or tavern or other public house, after sun setting and before sun rising, shall be fined five dollars for the first offence and seven dollars for subsequent offense.¹¹¹

19. North Carolina (1899)

That it shall be unlawful for any person wantonly or in sport to shoot or discharge any gun or pistol in or within one hundred yards of any street in any public road leading out of the towns of Sparta in Alleghany county and Jefferson in Ashe county for a distance of one-fourth mile from the court houses in said towns.¹¹²

20. South Carolina (1899)

§ 1. Be it enacted by the General Assembly of the State of South Carolina, That any person who shall engage in any boisterous conduct, under the influence of intoxicating liquors, or while feigning to be under the influence of such liquors, or without just cause or excuse, shall discharge any gun, pistol or other firearms while upon or within fifty yards of any public road, except upon his own premises, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than one hundred dollars or be imprisoned for not more than thirty days.¹¹³

VI. No Guns / Shooting Near Roads (Militia Specific)

1. New Hampshire (1795) (Militia-Specific)

[N]o non-commissioned officer or private soldier, shall upon any muster day, or the evening of the same day, discharge and fire off a musket or gun in any public road, or near thereto, or in, or near to any house, or on, or near to the place of parade, unless leave therefore be first had from a commissioned officer, on penalty of forfeiting for each offence so committed, the sum of one dollar, to be recovered by action before any Justice of the Peace within the county where such offence shall be committed, by any person who will sue therefor, with costs of prosecution.¹¹⁴

¹¹¹ General Laws of the State of Rhode Island and Providence Plantations to Which are Prefixed the Constitutions of the United States and of the State. Page 371-372, Image 387-388 (Providence, 1896) available at The Making of Modern Law: Primary Sources.

¹¹² 1899 N.C. Sess. Laws 250, Pub. Laws, An Act to Prohibit Shooting Guns or Pistols in the Towns of Sparta, Alleghany County, and Jefferson, Ashe County, ch. 120, § 1.

¹¹³ 1899 S.C. Acts 97, An Act To Prevent Drunkenness And Shooting Upon The Highway, No. 67, § 1.

¹¹⁴ 1795 N.H. Laws 525, An Act in Addition to an Act, Entitled, "An Act for Regulating the Militia within this State."

2. Vermont (1818) (Militia-Specific)

No noncommissioned officer, private or citizen shall unnecessarily fire a gun, single musket or pistol, in any public road, or near any house or place of parade, on the evening preceding, on the day or evening of the same, on which any troop company, battalion or regiment shall be ordered to assemble for military duty, unless embodied under the command of some commissioned officer; and if any non-commissioned officer, private or citizen, shall fire a musket, single gun or pistol, except as aforesaid, on the day or evening as aforesaid, without being embodied as aforesaid, he shall forfeit and pay a fine of two dollars for each and every such offence . . .¹¹⁵

VII. No Guns / Shooting Near Trains / Railroads / Railyards

1. Indiana (1855)

That any person who shall shoot a gun, pistol, or other weapon, or throw a stone, stick, clubs, or any other substance whatever at or against any locomotive, or car, or train of cars containing persons, on any railroad in this State, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than ten nor more than one hundred dollars, and imprisoned in the county jail not less than ten days nor more than three months.¹¹⁶

2. Iowa (1876)

If any person shall throw any stone, or other substance of any nature whatever, or shall present or discharge any gun, pistol, or other fire arm at any railroad train, car or locomotive engine he shall be deemed guilty of a misdemeanor and be punished accordingly.¹¹⁷

3. Pennsylvania (1876)

Railroads. Inclined-Plane Railways. § 194. If any person shall break, pull down or destroy any part or parts of said inclined plane, or other property of the said corporation, or shall willfully obstruct the passage in or to said inclined plane, or any part or parts thereof, each such person shall forfeit and pay to the said corporation the sum of ten dollars for each and every such offence, to be recovered as other debts of a like amount are recoverable; and if any person shall be guilty of carrying a lighted cigar or pipe, or carrying fire into the station-houses and buildings of the corporation, in any manner except in a lantern, or shall discharge any pistol or gun, or any fire-works in or near the building of the said company; each one so offending shall forfeit and pay the said corporation the sum of five dollars for every such offence, to be recovered in like manner as aforesaid; but no suit shall be brought for any of the aforesaid offences unless commenced within thirty days after it shall be known who committed said offences; and he, she or they shall remain liable to

¹¹⁵ 1818 Vt. Acts & Resolves 64-65, An Act Regulating and Governing the Militia of This State, § 42.

¹¹⁶ 1855 Ind. Acts 153, An Act To Provide For The Punishment Of Persons Interfering With Trains or Railroads, chap. 79, § 1.

¹¹⁷ 1876 Iowa Acts 142, An Act to Diminish Liability to Railroad Accidents and to Punish Interference with, and Injury to the Property of Railroad Companies, chap. 148, § 1.

action at the suit of the corporation for any of the wrongs enumerated in this clause, if the sums herein mentioned be not sufficient to repair or satisfy the damage.¹¹⁸

4. Wyoming (1879)

It shall be unlawful for any person in this territory to fire any rifle, revolver, or other fire arm of any description whatever, from any window, door, or other part of any railroad car or train, engine or tender, or along the line of railroad during the passing of any train or engine, or when any person is passing in the vicinity of the person having such fire arm, and any person so offending, shall, on conviction, be fined in a sum not exceeding twenty (\$20.00) dollars, and for a second offense, confined in the county jail for a term not exceeding sixty (60) days.¹¹⁹

5. Indiana (1881)

Crimes. § 1957. Attacking Public Conveyance. 56. Whoever maliciously or mischievously shoots a gun, rifle, pistol, or other missile or weapon, or throws a stone, stick, club, or other substance whatever, at or against any stage-coach, locomotive, railroad-car, or train of cars, or street-car on any railroad in this State, or at or against any wharf-boat, steamboat, or other water-craft, shall be imprisoned in the county jail not more than one year nor less than thirty days, and fined not more than one hundred dollars nor less than ten dollars.¹²⁰

6. Texas (1889)

That any person who shall willfully or maliciously throw a stone or other missile or fire a gun or pistol at or into any coach or passenger car of a moving railway train, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum of not less than twenty-five dollars and not more than one thousand dollars.¹²¹

7. New York (1890)

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

Section 1. Section six hundred and thirty-five of the Penal Code, is hereby amended so as to read as follows:

§ 635. A Person who: ...

¹¹⁸ John Purdon A Digest of the Laws of Pennsylvania, from the Year One Thousand Seven Hundred to the Sixth Day of June, One Thousand Eight Hundred and Eighty-Three. 11th Edition Vol. 2 Page 1451, Image 453 (Philadelphia, 1885) available at The Making of Modern Law: Primary Sources.

¹¹⁹ 1879 Wyo. Sess. Laws 97, An Act to Prevent the Use of Firearms from Railroad Cars, and Provide for the Punishment Thereof, ch. 43, § 1.

¹²⁰ Crimes. § 1957. Attacking Public Conveyance. 56. The Revised Statutes of Indiana: Containing, Also, the United States and Indiana Constitutions and an Appendix of Historical Documents. Vol. 1 Page 366, Image 388 (1881) available at The Making of Modern Law: Primary Sources.

¹²¹ 1889 Tex. Gen. Laws 36, Malicious Mischief, Art. 683b.

3. Willfully discharges a loaded firearm, or projects or throws a stone, or any other missile, at a railway train, or at a locomotive, car or vehicle standing or moving upon a railway.... Is punishable as follows:

1. If thereby the safety of any person is endangered, by imprisonment for not more than ten years.

In every other case, by imprisonment for not more than three years, or by a fine of not more than two hundred and fifty dollars, or both.¹²²

8. Georgia (1892)

Rocking or Shooting at or in Cars. § 511. Any person who shall throw a rock or other missile at, towards, or into any car of any passenger train upon any railroad or street railroad, or shoot any gun, pistol, or firearms of any kind at, towards, or into any such car, or shoot while in such car any gun, pistol or other weapon of any kind, shall be guilty of a misdemeanor.¹²³

9. Georgia (1897)

. . . it shall be unlawful for any person to fire any pistol, gun or other firearm on any excursion train, or at any picnic, except in his or her defense.¹²⁴

10. Alabama (1898)

That it shall be unlawful for any person to discharge any gun, pistol, or other firearm, except in self defense, while on a passenger train in this State; or to recklessly handle any firearm or other weapon in the presence of any other person or persons on any train carrying passengers in this State.¹²⁵

11. Florida (1899)

§ 1. That it shall be unlawful for any person to discharge any gun, pistol, or other fire-arm, except in self defense, while on any passenger train in this State; or to recklessly handle any fire-arm or other weapon in the presence of any other person or persons on any train carrying passengers in this State. § 2. . . . [A]ny person guilty of either of the offenses described in the first section of this act shall upon conviction be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not exceeding six months, one or both at the discretion of the Court.¹²⁶

¹²² 1890 New York – 13th Legislature, regular Session 518-519. An Act to Amend section six hundred and thirty-five of the Penal Code. Approved by the Governor May 5, 1890.

¹²³ The Code of the State of Georgia. Adopted December 15th, 1895. Vol. 3 Page 147, Image 169 (1896) available at The Making of Modern Law: Primary Sources.

¹²⁴ 1897 Ga. Laws 96-97, An Act to make it Unlawful for any Person to Fire any Pistol, Gun or other Firearm on any Excursion Train or at any Picnic, Except in his or her Defense, and to Prescribe a Penalty for Violating Same, and for other Purposes, § 1.

¹²⁵ 1899 Ala. Acts 154, An Act For The Better Protection Of Passengers On Railway Trains In This State, § 1.

¹²⁶ 1899 Fla. Laws 93, An Act for the Better Protection of Passengers on Railway Trains in the State of Florida, ch. 4701, §§ 1-2.

VIII. No Guns at Polling Places

1. Delaware Constitution (1776)

To prevent any violence or force being used at the said elections, no person shall come armed to any of them, and no muster of the militia shall be made on that day; nor shall any battalion or company give in their votes immediately succeeding each other, if any other voter, who offers to vote, objects thereto; nor shall any battalion or company, in the pay of the continent, or of this or any other State, be suffered to remain at the time and place of holding the said elections, nor within one mile of the said places respectively, for twenty-four hours before the opening said elections, nor within twenty-four hours after the same are closed, so as in any manner to impede the freely and conveniently carrying on the said election: Provided always, That every elector may, in a peaceable and orderly manner, give in his vote on the said day of election.¹²⁷

2. Georgia (1870)

“No person in said state shall be permitted or allowed to carry about his or her person any dirk, Bowie-knife, pistol or revolver, or any kind of deadly weapon, to any court of justice or any election ground or precinct, or any place of public worship, or any other public-gathering in this state, except militia muster grounds.”¹²⁸

3. Louisiana (1870)

. . . [I]t shall be unlawful for any person to carry any gun, pistol, bowie knife or other dangerous weapon, concealed or unconcealed, on any day of election during the hours the polls are open, or on any day of registration or revision of registration, within a distance of one-half mile of any place of registration or revision of registration; any person violating the provisions of this section shall be deemed guilty of a misdemeanor; and on conviction shall be punished by a fine of not less than one hundred dollars, and imprisonment in the parish jail not less than one month¹²⁹

4. Maryland (1874)

Election Districts–Fences. § 99. It shall not be lawful for any person in Kent county to carry, on the days of election, secretly or otherwise, any gun, pistol, dirk, dirk-knife, razor, billy or bludgeon; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof before any justice of the peace of said county, shall be fined not less than five nor more than twenty dollars, and on refusal to pay said fine shall be committed by such justice of the peace to the jail of the county until the same shall be paid.¹³⁰

¹²⁷ 1776 Del. Const, art. 28. Kopel, at 233 (footnote 115).

¹²⁸ Acts And Resolutions Of The General Assembly Of The State Of Georgia, Passed In Atlanta, Georgia, At The Session Of 1870 Title XVI. Available at https://dlg.usg.edu/record/dlg_zlgl_40284305#text (last accessed April 20, 2023). Kopel, at 244.

¹²⁹ 1870 La. Acts 159–60, An Act to Regulate the Conduct and to Maintain the Freedom of Party Election . . . , § 73. Kopel, at 243.

¹³⁰ 2 PUBLIC LOCAL LAWS OF MARYLAND, ARTICLES 11-24, at 1457 (King Bros, ed. 1888). Also found in John Prentiss Poe, The Maryland Code : Public Local Laws, Adopted by the General Assembly of Maryland March

5. Missouri (1883)

If any person shall carry concealed, upon or about his person, any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill or meetings called under the militia law of this state, having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, slung-shot, or other deadly weapon, or shall in the presence of one or more persons shall exhibit any such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.¹³¹

6. Maryland (1886)

That from and after the passage of this act, it shall not be lawful for any person in Calvert County to carry, on the days of election and primary election, within three hundred yards of the polls, secretly, or otherwise, any gun, pistol, dirk, dirk-knife, razor, billy or bludgeon, and any person violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof by the Circuit Court of Calvert County . . . shall be fined not less than ten nor more than fifty dollars for each offense. . .¹³²

7. Tennessee (1869)

Elections. § 2. *That it shall not be lawful for any qualified voter or other person attending any election in this State*, or for any person attending any fair, race course, or other public assembly of the people, to carry about his person, concealed or otherwise, any pistol, dirk, Bowie-knife, Arkansas toothpick, or weapon in form, shape, or size resembling a Bowie knife or Arkansas tooth-pick, or other deadly or dangerous weapon. § 3. That all persons convicted under the second section of this act shall be punished by fine of not less than fifty dollars, and by imprisonment, or both, at the discretion of the court.¹³³

8. Texas (1870)

If any person shall go into any church or religious assembly, any school-room or other place where persons are assembled for educational, literary, or scientific purposes, or into a ball room, social party, or other social gathering, composed of ladies and gentleman, or to any election precinct on the day or days of any

14, 1888. Including also the Public Local Acts of the Session of 1888 incorporated therein Page 1457, Image 382 (Vol. 2, 1888) available at The Making of Modern Law: Primary Sources. Kopel, at 243.

¹³¹ 1883 Mo. Laws 76, An Act To Amend Section 1274, Article 2, Chapter 24 Of The Revised Statutes Of Missouri, Entitled "Of Crimes And Criminal Procedure," § 1.

¹³² 1886 Md. Laws 315, An Act to Prevent the Carrying of Guns, Pistols, Dirk-knives, Razors, Billies or Bludgeons by any Person in Calvert County, on the Days of Election in said County, Within One Mile of the Polls, ch. 189, § 1. Kopel, at 244.

¹³³ James H. Shankland Public Statutes of the State of Tennessee, since the Year 1858. Being in the Nature of a Supplement to the Code Page 108, Image 203 (Nashville, 1871) available at The Making of Modern Law: Primary Sources. Kopel, at 251.

election, where any portion of the people of this state are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dirk, or butcher-knife, or fire-arms, whether known as a six shooter, gun, or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same: Provided, That nothing contained in this section shall apply to locations subject to Indian depredations: And provided further, That this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.¹³⁴

“The Supreme Court of Tennessee expressed approval of such restrictions, albeit in dicta:

While the private right to keep and use such weapons as we have indicated as arms, is given as a private right, its exercise is limited by the duties and proprieties of social life, and such arms are to be used in the ordinary mode in which used in the country, and at the usual times and places. Such restrictions are implied upon their use as are thus indicated.

Therefore, a man may well be prohibited from carrying his arms to church, or other public assemblage, as the carrying them to such places is not an appropriate use of them, nor necessary in order to his familiarity with them, and his training and efficiency in their use.”¹³⁵

9. Texas (1873)

(1) It shall be unlawful for any person to carry any gun, pistol, bowie knife, or other dangerous weapon, concealed or unconcealed, on any day of election, during the hours the polls are open, within a distance of one half mile of any place of election. (2) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dollars, and by imprisonment in the county jail for not less than one month: Provided, that the provisions of this section shall not apply to any officer of the election, police officer, or other person authorized to preserve the peace on the days of election.¹³⁶

10. Oklahoma (1890)

Crimes and Punishment. § 7. It shall be unlawful for any person, except a peace officer, to carry into any church or religious assembly, any school room or other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public

¹³⁴ 1870 Tex. Laws 63. An Act Regulating the Right to Keep and Bear Arms. Art. 6511. George Washington Paschal, Reporter A Digest of the Laws of Texas: Containing Laws in Force, and the Repealed Laws on Which Rights Rest. Carefully Annotated. 3rd ed. Vol. 2 Page 1322, Image 292 (Washington D.C., 1873) available at The Making of Modern Law: Primary Sources. Kopel, at 252.

¹³⁵ Andrews v. State, 50 Tenn. 165, 181–82 (1871). Kopel, at 251.

¹³⁶ Criminal Code, Riots and Unlawful Assemblies at Elections Violence Used Towards Electors, Art. 6490. George Washington Paschal, Reporter A Digest of the Laws of Texas: Containing Laws in Force, and the Repealed Laws on Which Rights Rest. Carefully Annotated. 3rd ed. Vol. 2 Page 1317-1318, Image 287-288 (Washington D.C., 1873) available at The Making of Modern Law: Primary Sources. Also found in A Digest Of The Laws Of Texas, Containing The Laws In Force, And The Repealed Laws On Which Rights Rest, From 1754 To 1874, Carefully Annotated 1317–18 (4th ed. 1874). Kopel, at 244.

exhibition of any kind, or into any ball room, or to any party or social gathering, or to any election, or to any place where intoxicating liquors are sold, or to any political convention, or to any other public assembly, any of the weapons designated in sections one and two of this article.¹³⁷

IX. No Guns in Places of Public Assembly / Parks / Public Grounds

1. Tennessee (1869)

Elections. § 2. That it shall not be lawful for any qualified voter or other person attending any election in this State, or for any person attending any fair, race course, or other public assembly of the people, to carry about his person, concealed or otherwise, any pistol, dirk, Bowie-knife, Arkansas toothpick, or weapon in form, shape, or size resembling a Bowie knife or Arkansas tooth-pick, or other deadly or dangerous weapon.

§ 3. That all persons convicted under the second section of this act shall be punished by fine of not less than fifty dollars, and by imprisonment, or both, at the discretion of the court.¹³⁸

2. Georgia (1870)

“No person in said state shall be permitted or allowed to carry about his or her person any dirk, Bowie-knife, pistol or revolver, or any kind of deadly weapon, to any court of justice or any election ground or precinct, or any place of public worship, or any other public-gathering in this state, except militia muster grounds.”¹³⁹

3. Texas (1870)

An Act Regulating the Right to Keep and Bear Arms. Art. 6511. If any person shall go into any church or religious assembly, any school-room or other place where persons are assembled for educational, literary, or scientific purposes, or into a ball room, social party, or other social gathering, composed of ladies and gentleman, or to any election precinct on the day or days of any election, where any portion of the people of this state are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dirk, or butcher-knife, or fire-arms, whether known as a six shooter, gun, or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same: Provided, That nothing contained in this section shall apply to locations subject to Indian

¹³⁷ Leander G Pitman The Statutes of Oklahoma, 1890. (From the Laws Passed by the First Legislative Assembly of the Territory) Page 496, Image 512 (Guthrie, 1891) available at The Making of Modern Law: Primary Sources. Kopel, at 254.

¹³⁸ James H. Shankland Public Statutes of the State of Tennessee, since the Year 1858. Being in the Nature of a Supplement to the Code Page 108, Image 203 (Nashville, 1871) available at The Making of Modern Law: Primary Sources.

¹³⁹ Acts And Resolutions Of The General Assembly Of The State Of Georgia, Passed In Atlanta, Georgia, At The Session Of 1870 Title XVI. Available at https://dlg.usg.edu/record/dlg_zlgl_40284305#text (last accessed April 20, 2023). Kopel, at 244.

depredations: And provided further, That this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.¹⁴⁰

4. Missouri (1879)

If any person shall carry concealed upon or about his person any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school-room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court-room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill, or meetings called under the militia law of this state, having upon or about his person any kind of fire-arms, bowie-knife, dirk, dagger, slung-shot, or other deadly weapon . . . he shall, upon conviction, be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not less than five days or more six months, or by both such fine and imprisonment.¹⁴¹

5. Nevada (1881)

Any person in this State, whether under the influence of liquor or otherwise, who shall, except in necessary self-defense, maliciously, wantonly or negligently discharge or cause to be discharged any pistol, gun or any other kind of firearm, in or upon any public street or thoroughfare, or in any theater, hall, store, hotel, saloon or any other place of public resort, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the County Jail for a term not less than two nor more than six months, or by a fine not less than one hundred nor more than five hundred dollars, or by both such fine and imprisonment; provided, that no Sheriff, Deputy Sheriff, Marshal, Constable, Deputy Constable or other peace officer shall be held to answer under the provisions of this Act for discharging firearms in the lawful pursuance of his or their duty.¹⁴²

6. Connecticut (1882)

By-Laws of the Borough of Wallingford. § 15. . . . the discharging any pistol, gun, cannon or other fire-arms, by any person or military company in any street, park or public ground, provided this section does not apply to the use of such weapons in lawful defense of the person, family or property of any one, in the performance of any duty required by law. . . without the consent of the warden or court of burgesses, are hereby prohibited; and every person who shall, without such consent of said warden or court of burgesses first had or obtained, do any of the acts prohibited in this section, shall forfeit and pay for each offense a sum not exceeding twenty-five dollars for the use of the borough . . .¹⁴³

¹⁴⁰ George Washington Paschal, Reporter A Digest of the Laws of Texas: Containing Laws in Force, and the Repealed Laws on Which Rights Rest. Carefully Annotated. 3rd ed. Vol. 2 Page 1322, Image 292 (Washington D.C., 1873) available at The Making of Modern Law: Primary Sources.

¹⁴¹ 1879 Mo. Laws § 1274.

¹⁴² 1881 Nev. Stat. 19-20, An Act to Prohibit the Use of Firearms in Public Places, ch. 7, § 1.

¹⁴³ The Charter and By-Laws of the Borough of Wallingford Page 55, Image 60 (1882) available at The Making of Modern Law: Primary Sources.

7. Missouri (1883)

If any person shall carry concealed, upon or about his person, any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill or meetings called under the militia law of this state, having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, slung-shot, or other deadly weapon, or shall in the presence of one or more persons shall exhibit any such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.¹⁴⁴

8. Wisconsin (1883)

Any person who shall be found in or upon any street, alley or public ground within said city, or within any saloon, shop, store, grocery, hall, church, school house, barn, building or other place within said city . . . shall use toward or in the presence of another, violent or insulting language or be guilty of any breach of the peace, or firing of any gun or pistol, or fighting or threatening to fight, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding twenty-five (\$25) dollars and costs of prosecution, or imprisonment in the county jail not more than ninety days, or both, in the discretion of the court.¹⁴⁵

9. Oklahoma (1890)

Crimes and Punishment. § 7. It shall be unlawful for any person, except a peace officer, to carry into any church or religious assembly, any school room or other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ball room, or to any party or social gathering, or to any election, or to any place where intoxicating liquors are sold, or to any political convention, or to any other public assembly, any of the weapons designated in sections one and two of this article.¹⁴⁶

10. North Carolina (1893)

That it shall be a misdemeanor for any one while a congregation is assembled at the church for any social, religious, political or educational purposes, or while any such congregation is breaking and leaving, to fire any gun or pistol, to throw anything by which any one might be hurt, to cut loose any animal, or commit

¹⁴⁴ 1883 Mo. Laws 76, An Act To Amend Section 1274, Article 2, Chapter 24 Of The Revised Statutes Of Missouri, Entitled "Of Crimes And Criminal Procedure," § 1.

¹⁴⁵ 1883 Wis. Sess. Laws 841. vol. 2, An Act to Revise, Consolidate and Amend the Charter of the City of Neenah, Approved March 14, 1873, and the Several Acts Amendatory Thereof, ch. 184, tit. 12, § 162.

¹⁴⁶ Leander G Pitman The Statutes of Oklahoma, 1890. (From the Laws Passed by the First Legislative Assembly of the Territory) Page 496, Image 512 (Guthrie, 1891) available at The Making of Modern Law: Primary Sources. Kopel, at 254.

any damage to any article of personal property; and for every such offence, on conviction, the offender shall be fined ten dollars.¹⁴⁷

11. New York (1898)

Ordinances of Wappinger Falls. Park Ordinances. § 1. No person or persons shall fire or discharge any gun or pistol or other firearm, or any rocket torpedo, or other fireworks of any description, nor send up any balloon, nor throw stones or missiles, nor play ball within the limits of Mesier Park, without the permission obtained of the Park Commissioners at a meeting of the Board.¹⁴⁸

12. Colorado (1899)

Ordinances of the City of Boulder. 511. No Firearms or Shooting in. § 1. Any person other than the police officers of the city who shall take or carry or cause to be taken or carried into any of the parks belonging to the City of Boulder, any gun, pistol, revolver, or other firearm, or who shall shoot any firearm at or towards or over or into or upon any of said parks, shall be deemed guilty of a misdemeanor.¹⁴⁹

X. No Guns in Legislature

1. Maryland Colony (1647)

“[N]oe one shall come into the howse of Assembly (whilst the howse is sett) with any weapon uppon perill of such fine or censure as the howse shall thinke fit.”¹⁵⁰

2. Maryland Colony (1647)

“That none shall come into eyther of the houses whilst they are sett, with any gun or weapon uppon perill of such fine or censure as the howses shall thinke fit.” “Orders made & agreed uppon by the Assembly for the better ordering of Both Howses.”¹⁵¹

3. Texas (1870)

An Act Regulating the Right to Keep and Bear Arms. Art. 6511. If any person shall go into any church or religious assembly, any school-room or other place where persons are assembled for educational, literary, or scientific purposes, or into a ball room, social party, or other social gathering, composed of ladies and gentleman, or to any election precinct on the day or days of any election, where any portion of the people of this state are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person

¹⁴⁷ 1893 N.C. Sess. Laws 348, Priv. Laws, An Act to Incorporate Vestibule Church (Colored) in Cleveland County, ch. 221, § 5.

¹⁴⁸ Rules, By-Laws and Ordinances of the Village of Wappingers Falls. Adopted September 13, 1898 Page 34, Image 32.(Wappingers Falls, 1898) available at The Making of Modern Law: Primary Sources.

¹⁴⁹ Oscar F.Green, A Revised Ordinances of the City of Boulder Page 157, Image 168 (1899) available at The Making of Modern Law: Primary Sources.

¹⁵⁰ 1647 Md. Laws 216. Kopel at 233 (footnote 113).

¹⁵¹ 1650 Md. Laws 273. Kopel at 233 (footnote 114).

a bowie-knife, dirk, or butcher-knife, or fire-arms, whether known as a six shooter, gun, or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same: Provided, That nothing contained in this section shall apply to locations subject to Indian depredations: And provided further, That this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.¹⁵²

4. Oklahoma (1890)

Crimes and Punishment. § 7. It shall be unlawful for any person, except a peace officer, to carry into any church or religious assembly, any school room or other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ball room, or to any party or social gathering, or to any election, or to any place where intoxicating liquors are sold, or to any political convention, or to any other public assembly, any of the weapons designated in sections one and two of this article.¹⁵³

5. North Carolina (1893)

That it shall be a misdemeanor for any one while a congregation is assembled at the church for any social, religious, political or educational purposes, or while any such congregation is breaking and leaving, to fire any gun or pistol, to throw anything by which any one might be hurt, to cut loose any animal, or commit any damage to any article of personal property; and for every such offence, on conviction, the offender shall be fined ten dollars.¹⁵⁴

XI. No Guns / Shooting in Church / Place of Worship

1. Pennsylvania (1835)

...[I]f any person or persons shall be guilty of disturbing any congregation, society or meeting, assembled for the purpose of religious worship, by blowing horns or trumpets, shooting or firing guns, or by any other means, with intent to disturb or interrupt the worship or devotion of said congregation, society or meeting, he or they, upon conviction... shall pay a fine of not less than one dollar....¹⁵⁵

¹⁵² George Washington Paschal, Reporter A Digest of the Laws of Texas: Containing Laws in Force, and the Repealed Laws on Which Rights Rest. Carefully Annotated. 3rd ed. Vol. 2 Page 1322, Image 292 (Washington D.C., 1873) available at The Making of Modern Law: Primary Sources.

¹⁵³ Leander G Pitman The Statutes of Oklahoma, 1890. (From the Laws Passed by the First Legislative Assembly of the Territory) Page 496, Image 512 (Guthrie, 1891) available at The Making of Modern Law: Primary Sources. Kopel, at 254.

¹⁵⁴ 1893 N.C. Sess. Laws 348, Priv. Laws, An Act to Incorporate Vestibule Church (Colored) in Cleveland County, ch. 221, § 5.

¹⁵⁵ “An Act to prevent the disturbance of meetings held for the purpose of religious worship”, Act of 2nd April 1822, Section VI, John W. Purdon, A Digest of the Laws of Pennsylvania From the Year One Thousand Seven Hundred to the Thirteenth Day of October, One Thousand Eight Hundred and Forty (1841 6th Ed.), Page 923. Available at: https://www.google.com/books/edition/A_Digest_of_the_Laws_of_Pennsylvania (last accessed April 20, 2023).

2. Georgia (1870)

“No person in said state shall be permitted or allowed to carry about his or her person any dirk, Bowie-knife, pistol or revolver, or any kind of deadly weapon, to any court of justice or any election ground or precinct, or any place of public worship, or any other public-gathering in this state, except militia muster grounds.”¹⁵⁶

3. Texas (1870)

An Act Regulating the Right to Keep and Bear Arms. Art. 6511. If any person shall go into any church or religious assembly, any school-room or other place where persons are assembled for educational, literary, or scientific purposes, or into a ball room, social party, or other social gathering, composed of ladies and gentleman, or to any election precinct on the day or days of any election, where any portion of the people of this state are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dirk, or butcher-knife, or fire-arms, whether known as a six shooter, gun, or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same: Provided, That nothing contained in this section shall apply to locations subject to Indian depredations: And provided further, That this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.¹⁵⁷

4. Virginia (1877)

If any person carrying any gun, pistol, bowie-knife, dagger, or other dangerous weapon, to any place of worship while a meeting for religious purposes is being held at such place, or without good and sufficient cause therefor, shall carry any such weapon on Sunday at any place other than his own premises, shall be fined not less than twenty dollars. If any offense under this section be committed at a place of religious worship, the offender may be arrested on the order of a conservator of the peace, without warrant, and held until warrant can be obtained, but not exceeding three hours.¹⁵⁸

5. Missouri (1879)

If any person shall carry concealed upon or about his person any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school-room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court-room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill, or meetings called under the militia law of this state, having upon or about his person any kind of fire-arms, bowie-knife, dirk, dagger, slung-shot, or other deadly weapon . . . he shall, upon conviction, be punished by a fine of not less than twenty-five nor

¹⁵⁶ Acts And Resolutions Of The General Assembly Of The State Of Georgia, Passed In Atlanta, Georgia, At The Session Of 1870 Title XVI. Available at https://dlg.usg.edu/record/dlg_zlgl_40284305#text (last accessed April 20, 2023). Kopel, at 244.

¹⁵⁷ George Washington Paschal, Reporter A Digest of the Laws of Texas: Containing Laws in Force, and the Repealed Laws on Which Rights Rest. Carefully Annotated. 3rd ed. Vol. 2 Page 1322, Image 292 (Washington D.C., 1873) available at The Making of Modern Law: Primary Sources.

¹⁵⁸ 1877 Va. Acts 305, Offenses Against The Peace, § 21. Kopel, at 247.

more than two hundred dollars, or by imprisonment in the county jail not less than five days or more six months, or by both such fine and imprisonment.¹⁵⁹

6. Missouri (1879)

Hereafter it shall be unlawful for any person in this State, except he be a sheriff or other officer, in the discharge of official duty to discharge or fire off any gun, pistol or fire-arms of any description in the immediate vicinity of any court house, church or building used for school or college purposes.¹⁶⁰

7. Missouri (1883)

If any person shall carry concealed, upon or about his person, any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill or meetings called under the militia law of this state, having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, slung-shot, or other deadly weapon, or shall in the presence of one or more persons shall exhibit any such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.¹⁶¹

8. Wisconsin (1883)

Any person who shall be found in or upon any street, alley or public ground within said city, or within any saloon, shop, store, grocery, hall, church, school house, barn, building or other place within said city . . . shall use toward or in the presence of another, violent or insulting language or be guilty of any breach of the peace, or firing of any gun or pistol, or fighting or threatening to fight, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding twenty-five (\$25) dollars and costs of prosecution, or imprisonment in the county jail not more than ninety days, or both, in the discretion of the court.¹⁶²

¹⁵⁹ 1879 Mo. Laws § 1274.

¹⁶⁰ 1879 Mo. Laws 90, An Act To Prohibit The Discharge Of Firearms In The Immediate Vicinity Of Any Courthouse, Church Or Building Used For School Or College Purposes, § 1.

¹⁶¹ 1883 Mo. Laws 76, An Act To Amend Section 1274, Article 2, Chapter 24 Of The Revised Statutes Of Missouri, Entitled "Of Crimes And Criminal Procedure," § 1.

¹⁶² 1883 Wis. Sess. Laws 841. vol. 2, An Act to Revise, Consolidate and Amend the Charter of the City of Neenah, Approved March 14, 1873, and the Several Acts Amendatory Thereof, ch. 184, tit. 12, § 162.

9. North Carolina (1889)

That it shall be a misdemeanor for any person to . . . fire off a gun or pistol in hearing distance of those assembled for or occupied in divine worship at said church.¹⁶³

10. Oklahoma (1890)

Crimes and Punishment. § 7. It shall be unlawful for any person, except a peace officer, to carry into any church or religious assembly, any school room or other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ball room, or to any party or social gathering, or to any election, or to any place where intoxicating liquors are sold, or to any political convention, or to any other public assembly, any of the weapons designated in sections one and two of this article.¹⁶⁴

11. North Carolina (1893)

That it shall be a misdemeanor for any one while a congregation is assembled at the church for any social, religious, political or educational purposes, or while any such congregation is breaking and leaving, to fire any gun or pistol, to throw anything by which any one might be hurt, to cut loose any animal, or commit any damage to any article of personal property; and for every such offence, on conviction, the offender shall be fined ten dollars.¹⁶⁵

XII. No Guns in Schools

1. Virginia (1824)

No Student shall, within the precincts of the University [of Virginia], introduce, keep, or use any spirituous or vinous liquors, keep or use weapons or arms of any kind, or gun-powder, keep a servant, horse or dog, appear in school with a stick or any weapon, nor, while in school, be covered without permission of the Professor, nor use tobacco by snuffing or chewing, on pain of any of the minor punishments, at the discretion of the Faculty, or of the board of Censors approved by the Faculty.¹⁶⁶

¹⁶³ 1889 N.C. Sess. Laws 820, An Act to Incorporate Mount Pleasant Baptist Chapel Church — In Ashe County, ch. 178, § 3.

¹⁶⁴ Leander G Pitman The Statutes of Oklahoma, 1890. (From the Laws Passed by the First Legislative Assembly of the Territory) Page 496, Image 512 (Guthrie, 1891) available at The Making of Modern Law: Primary Sources. Kopel, at 254.

¹⁶⁵ 1893 N.C. Sess. Laws 348, Priv. Laws, An Act to Incorporate Vestibule Church (Colored) in Cleveland County, ch. 221, § 5.

¹⁶⁶ MEETING MINUTES OF UNIVERSITY OF VIRGINIA BOARD OF VISITORS, 4—5 OCT. 1824 <https://rotunda.upress.virginia.edu/founders/default.xqy?keys=FOEA-print-04-02-02-4598>, codified at ENACTMENTS BY THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA, FOR CONSTITUTING, GOVERNING AND CONDUCTING THAT INSTITUTION (1825), available at <https://babel.hathitrust.org/cgi/pt?id=hvd.hn36rv;view=1up;seq=13> (last accessed April 20, 2023). Kopel, at 248.

2. Texas (1870)

An Act Regulating the Right to Keep and Bear Arms. Art. 6511. If any person shall go into any church or religious assembly, any school-room or other place where persons are assembled for educational, literary, or scientific purposes, or into a ball room, social party, or other social gathering, composed of ladies and gentleman, or to any election precinct on the day or days of any election, where any portion of the people of this state are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dirk, or butcher-knife, or fire-arms, whether known as a six shooter, gun, or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same: Provided, That nothing contained in this section shall apply to locations subject to Indian depredations: And provided further, That this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.¹⁶⁷

3. Mississippi (1878)

[A]ny student of any university, college or school, who shall carry concealed, in whole or in part, any weapon of the kind or description in the first section of this Act described, or any teacher, instructor, or professor who shall, knowingly, suffer or permit any such weapon to be carried by any student or pupil, shall be deemed guilty of a misdemeanor, and, on conviction, be fined not exceeding three hundred dollars, and if the fine and costs are not paid, condemned to hard labor under the direction of the board of supervisors or of the court.¹⁶⁸

4. Missouri (1879)

If any person shall carry concealed upon or about his person any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school-room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court-room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill, or meetings called under the militia law of this state, having upon or about his person any kind of fire-arms, bowie-knife, dirk, dagger, slung-shot, or other deadly weapon . . . he shall, upon conviction, be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not less than five days or more six months, or by both such fine and imprisonment.¹⁶⁹

¹⁶⁷ George Washington Paschal, Reporter A Digest of the Laws of Texas: Containing Laws in Force, and the Repealed Laws on Which Rights Rest. Carefully Annotated. 3rd ed. Vol. 2 Page 1322, Image 292 (Washington D.C., 1873) available at The Making of Modern Law: Primary Sources.

¹⁶⁸ 1878 Miss. Laws 176, An Act To Prevent The Carrying Of Concealed Weapons And For Other Purposes, ch. 46, § 4. Kopel, at 250.

¹⁶⁹ 1879 Mo. Laws § 1274. Enforced in *State v. Wilforth* 74 Mo. 528, 529 (1881). Kopel, at 254.

5. Missouri (1879)

Hereafter it shall be unlawful for any person in this State, except he be a sheriff or other officer, in the discharge of official duty to discharge or fire off any gun, pistol or fire-arms of any description in the immediate vicinity of any court house, church or building used for school or college purposes.¹⁷⁰

6. Missouri (1883)

If any person shall carry concealed, upon or about his person, any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill or meetings called under the militia law of this state, having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, slung-shot, or other deadly weapon, or shall in the presence of one or more persons shall exhibit any such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.¹⁷¹

7. Wisconsin (1883)

Any person who shall be found in or upon any street, alley or public ground within said city, or within any saloon, shop, store, grocery, hall, church, school house, barn, building or other place within said city . . . shall use toward or in the presence of another, violent or insulting language or be guilty of any breach of the peace, or firing of any gun or pistol, or fighting or threatening to fight, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding twenty-five (\$25) dollars and costs of prosecution, or imprisonment in the county jail not more than ninety days, or both, in the discretion of the court.¹⁷²

8. Oklahoma (1890)

Crimes and Punishment. § 7. It shall be unlawful for any person, except a peace officer, to carry into any church or religious assembly, any school room or other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ball room, or to any party or social gathering, or to any election, or to

¹⁷⁰ 1879 Mo. Laws 90, An Act To Prohibit The Discharge Of Firearms In The Immediate Vicinity Of Any Courthouse, Church Or Building Used For School Or College Purposes, § 1.

¹⁷¹ 1883 Mo. Laws 76, An Act To Amend Section 1274, Article 2, Chapter 24 Of The Revised Statutes Of Missouri, Entitled "Of Crimes And Criminal Procedure," § 1.

¹⁷² 1883 Wis. Sess. Laws 841. vol. 2, An Act to Revise, Consolidate and Amend the Charter of the City of Neenah, Approved March 14, 1873, and the Several Acts Amendatory Thereof, ch. 184, tit. 12, § 162.

any place where intoxicating liquors are sold, or to any political convention, or to any other public assembly, any of the weapons designated in sections one and two of this article.¹⁷³

9. North Carolina (1893)

That it shall be a misdemeanor for any one while a congregation is assembled at the church for any social, religious, political or educational purposes, or while any such congregation is breaking and leaving, to fire any gun or pistol, to throw anything by which any one might be hurt, to cut loose any animal, or commit any damage to any article of personal property; and for every such offence, on conviction, the offender shall be fined ten dollars.¹⁷⁴

XIII. No Guns in Grocery

1. Wisconsin (1883)

Any person who shall be found in or upon any street, alley or public ground within said city, or within any saloon, shop, store, grocery, hall, church, school house, barn, building or other place within said city . . . shall use toward or in the presence of another, violent or insulting language or be guilty of any breach of the peace, or firing of any gun or pistol, or fighting or threatening to fight, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding twenty-five (\$25) dollars and costs of prosecution, or imprisonment in the county jail not more than ninety days, or both, in the discretion of the court.¹⁷⁵

XIV. No Guns in Courthouses

1. Georgia (1870)

“No person in said state shall be permitted or allowed to carry about his or her person any dirk, Bowie-knife, pistol or revolver, or any kind of deadly weapon, to any court of justice or any election ground or precinct, or any place of public worship, or any other public-gathering in this state, except militia muster grounds.”¹⁷⁶

“The Georgia Supreme Court in 1874 upheld a statute [the 1870 statute listed above] against carrying weapons into a court of justice. As the Georgia court acknowledged, state precedent plainly protected the right to open carry handguns. However, the court pointed out the equally important right of free access to the courts:

¹⁷³ Leander G Pitman The Statutes of Oklahoma, 1890. (From the Laws Passed by the First Legislative Assembly of the Territory) Page 496, Image 512 (Guthrie, 1891) available at The Making of Modern Law: Primary Sources. Kopel, at 254.

¹⁷⁴ 1893 N.C. Sess. Laws 348, Priv. Laws, An Act to Incorporate Vestibule Church (Colored) in Cleveland County, ch. 221, § 5.

¹⁷⁵ 1883 Wis. Sess. Laws 841. vol. 2, An Act to Revise, Consolidate and Amend the Charter of the City of Neenah, Approved March 14, 1873, and the Several Acts Amendatory Thereof, ch. 184, tit. 12, § 162.

¹⁷⁶ Acts And Resolutions Of The General Assembly Of The State Of Georgia, Passed In Atlanta, Georgia, At The Session Of 1870 Title XVI. Available at https://dlg.usg.edu/record/dlg_zlgl_40284305#text (last accessed April 20, 2023). Kopel, at 244.

[T]he right to go into a court-house and peacefully and safely seek its privileges, is just as sacred as the right to carry arms, and if the temple of justice is turned into a barracks, and a visitor to it is compelled to mingle in a crowd of men loaded down with pistols and Bowie-knives, or bristling with guns and bayonets, his right of free access to the courts is just as much restricted as is the right to bear arms infringed by prohibiting the practice before courts of justice.”¹⁷⁷

2. Missouri (1879)

If any person shall carry concealed upon or about his person any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school-room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court-room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill, or meetings called under the militia law of this state, having upon or about his person any kind of fire-arms, bowie-knife, dirk, dagger, slung-shot, or other deadly weapon . . . he shall, upon conviction, be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not less than five days or more six months, or by both such fine and imprisonment.¹⁷⁸

3. Missouri (1879)

Hereafter it shall be unlawful for any person in this State, except he be a sheriff or other officer, in the discharge of official duty to discharge or fire off any gun, pistol or fire-arms of any description in the immediate vicinity of any court house, church or building used for school or college purposes.¹⁷⁹

4. Missouri (1883)

If any person shall carry concealed, upon or about his person, any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill or meetings called under the militia law of this state, having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, slung-shot, or other deadly weapon, or shall in the presence of one or more persons shall exhibit any such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.¹⁸⁰

¹⁷⁷ State v. Hill, 53 Ga. 472 (1874). Kopel, at 244.

¹⁷⁸ 1879 Mo. Laws § 1274.

¹⁷⁹ 1879 Mo. Laws 90, An Act To Prohibit The Discharge Of Firearms In The Immediate Vicinity Of Any Courthouse, Church Or Building Used For School Or College Purposes, § 1.

¹⁸⁰ 1883 Mo. Laws 76, An Act To Amend Section 1274, Article 2, Chapter 24 Of The Revised Statutes Of Missouri, Entitled “Of Crimes And Criminal Procedure,” § 1.

5. North Carolina (1899)

That it shall be unlawful for any person wantonly or in sport to shoot or discharge any gun or pistol in or within one hundred yards of any street in any public road leading out of the towns of Sparta in Alleghany county and Jefferson in Ashe county for a distance of one-fourth mile from the court houses in said towns.¹⁸¹

XV. No Guns Outside Your Own Land Without Permission

1. Maryland Colony (1715)

And, to prevent the abusing, hurting or worrying of any stock of hogs, cattle or horses, with dogs, or otherwise, BE IT ENACTED, That if any person or persons whatsoever, that have been convicted of any of the crimes aforesaid, or other crimes, or that shall be of evil fame, or a vagrant, or dissolute liver, that shall shoot, kill or hunt, or be seen to carry a gun, upon any person's land, whereon there shall be a seated plantation, without the owner's leave, having been once before warned, shall forfeit and pay one thousand pounds of tobacco...¹⁸²

2. New Jersey Colony (1718)

And whereas divers abuses have been committed, and great Damages and Inconveniencies arisen by Persons carrying of Guns and presuming to hunt on other Peoples Land; for Remedy whereof for the future, B E I T E N A C T E D by the Authority aforesaid, That if any Perion or Persons shall presume, at any Time after the Publication hereof, to carry any Gun, or hunt on the improved or inclosed Lands in. any Plantation, other than his own, unless he have License or Permission from the Owner of such Lands or Plantation, and shall be thereof convicted, either upon the View of any Justice of the Peace within this Province, or by the Oath or Affirmation of any one or more Witnesses, before any Justice of the Peace, he shall, for every such Offence forfeit the Sum of Fifteen Shillings, with Costs attending such Conviction.¹⁸³

3. Pennsylvania Colony (1721)

Be it enacted by the authority aforesaid, That if any person or persons shall presume, at any time after the sixteenth day of November, in this present year on thousand seven hundred and twenty one, to carry any gun or hunt on the improved or inclosed lands of any plantation other than his own, unless he have license or permission from the owner of such lands or plantation, and shall thereof convicted ether upon view of any justice of the peace within this province, or by the oath or affirmation of any one or more witnesses, before any justice of the peace, he shall for every such offense forfeit the sum of ten shillings. And if any person whatsoever, who is not owner of of fifty acres of land and otherwise qualified in the same manners as persons are or ought to be by the laws of this province for electing of members to serve in assembly, shall at any time, after the said Sixteenth day of November, carry any gun, or hunt in the woods or inclosed

¹⁸¹ 1899 N.C. Sess. Laws 250, Pub. Laws, An Act to Prohibit Shooting Guns or Pistols in the Towns of Sparta, Alleghany County, and Jefferson, Ashe County, ch. 120, § 1.

¹⁸² 1715 Md. Laws 90. Kopel, at 237 (footnote 122) (“Maryland’s 1715 law forbade convicted criminals and vagrants from hunting on private property without permission, and also provided that the offender would only be fined after first receiving one free warning”).

¹⁸³ 1718-1741 New Jersey - 7th-12th Assemblies: 100-103 (“An Act to prevent Killing of Deer out of Season, and against carrying of Guns and Hunting by Persons not Qualified”).

lands, without license or permission obtained from the owner or owners of such lands, and shall be thereof convicted in manner aforesaid, such offender shall forfeit and pay the sum of five shillings.¹⁸⁴

4. New Jersey Colony (1741)

[T]hat if any Person or Persons shall presume, at any Time after the Publication hereof, to carry any Gun, or hunt on the improved or inclosed Lands in any Plantation, other than his own unless he have Licence or Permission from the Owner of such Lands or Plantation . . . And if any person whatsoever, who is not owner of one hundred acres of land, or otherwise qualified, in the same manner as persons are or ought to be electing representatives to serve in general assembly shall at any time after the publication hereof, carry any gun, or hunt in the woods or unenclosed lands, without license or permission obtained from the owner or owners of such lands . . . such offender shall forfeit and pay the sum of ten shillings.¹⁸⁵

5. Pennsylvania Colony (1760)

If any person or persons shall presume to carry any gun, or hunt on any enclosed or improved lands of any of the inhabitants of this province, other than his own, unless he shall have license or permission from the owner of such lands, or shall presume to fire a gun on or near any of the king's highways, and shall be thereof convicted, either upon view of any justice of the peace within this province, or by the oath or affirmation of any one or more witnesses, before any justice of the peace, he shall, for every such offence, forfeit the sum of forty shillings.¹⁸⁶

6. New Jersey Colony (1771)

1. Be it enacted by the Senate and General Assembly of the state of New Jersey, That if any person or persons shall presume, at any time after the publication hereof, to carry any gun on any lands not his own, and for which the owner pays taxes, or is in his lawful possession, unless he hath license or permission in writing from the owner or owners, or legal possessor, every such person so offending, and convicted, thereof, either upon the view of any justice of the peace within this state, or by the oath or affirmation of one or more witnesses, before any justice of the peace of either of the counties, cities, or towns corporate of this state, in which the offender or offenders may be taken or reside, he, she, or they, shall, for every such offence, forfeit and pay to the owner of the soil, or his tenant in possession, the sum of five dollars

¹⁸⁴ 1721 Pa. Laws 254, 256. Cited in *The Statutes at Large of Pennsylvania*, c. 142, p. 254, An Act to Prevent the Killing of Deer out of Season, And Against Carrying of Guns or Hunting by Persons not qualified. Kopel, at 235 (footnote 118). (“The 1721 Pennsylvania statute applied to all persons who hunted or carried a gun without permission on someone else’s enclosed or improved lands; the statute also forbade poor people (those not eligible to vote) from hunting on unimproved land (“the woods”).”)

¹⁸⁵ 1718-1741 N.J. Laws 101, An Act to Prevent Killing of Deer out of Season and against Carrying of Guns and Hunting by Persons not Qualified, ch. 35, § 4. Kopel, at 236 (footnote 120) (“The 1741 New Jersey statute was similar to the 1720 Pennsylvania law: no hunting without permission by anyone on someone else’s improved or enclosed land; no hunting by persons not qualified to vote on unimproved and unenclosed private property.”).

¹⁸⁶ John W. Purdon, *A Digest Of The Laws Of Pennsylvania From The Year One Thousand Seven Hundred To The Twenty-First Day Of May, One Thousand Eight Hundred And Sixty-One* 534 (9th ed. 1862). Kopel, at 235 (footnote 119) (“The 1721 Pennsylvania statute applied to all persons who hunted or carried a gun without permission on someone else’s enclosed or improved lands; the statute also forbade poor people (those not eligible to vote) from hunting on unimproved land (“the woods”). The property requirement was repealed by the 1760 statute. The 1760 law also forbade firearms discharge while hunting near highways—a safety restriction that remains common in modern American law.”). Available at <https://www.palrb.gov/Preservation/Statutes-at-Large/View-Documents/17001799/1760/0/act/0456.pdf> (last accessed April 20, 2023).

with costs of suit; which forfeiture shall and may be sued for and recovered by the owner of the soil, or tenant in possession, before any justice of the peace in this state, for the use of such owner or tenant in possession.

2. And be it enacted, That if any person shall presume, at any time after the publication of this act, to hunt or watch for deer with a gun, or set in any dog or dogs to drive deer, or any other game, on any lands not his own, and for which the owner or possessor pays taxes, or is in his lawful possession, unless he hath license or permission in writing from such owner or owners or legal possessor; every such person so offending, and being convicted thereof in manner aforesaid, shall for every such offence, forfeit and pay to the owner of the soil, or tenant in possession, the sum of five dollars, with costs of suit; provided, that nothing herein contained shall be construed to extend to prevent any person carrying a gun upon the highway in this state.

3. And be it enacted, That if the person or persons offending against this act be non-residents of this state, he or they shall forfeit and pay for every such offence, fifteen dollars, and shall forfeit his or their gun or guns to any person or persons who shall inform and prosecute the same to effect, before any justice of the peace in any county of this state, wherein the offender or offenders may be taken or apprehended.¹⁸⁷

7. Pennsylvania (1821)

Sect. 1. BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, if any person or persons shall presume to hunt on any enclosed or improved lands, of any of the inhabitants of the counties of Philadelphia or Delaware, unless he or they shall have permission from the owner, occupier or tenant of such lands, or, shall presume to fire a gun thereon, after being warned off by the owner or persons in his employ, or shall wilfully commit any injury to the orchard, garden, nursery, ground, crops, vegetables, plants, land or other matter or thing growing, or being thereon, or to or upon real or personal property of any nature or kind soever, every person so offending being thereof convicted, shall be liable to a penalty not exceeding ten dollars and the costs of conviction, and in default of payment to be committed to jail for any time not exceeding ten days.¹⁸⁸

8. Texas (1866)

It shall not be lawful for any person or persons to carry fire-arms on the enclosed premises or plantation of any citizen, without the consent of the owner or proprietor, other than in the lawful discharge of a civil or military duty, and any person or persons so offending shall be fined a sum not less than one nor more than ten dollars, or imprisonment in the county jail not less than ten days, or both, in the discretion of the court or jury before whom the trial is had.¹⁸⁹

¹⁸⁷ 1771 N.J. Laws 346. Kopel, at 237 (footnote 121) (“The 1741 New Jersey statute was similar to the 1720 Pennsylvania law: no hunting without permission by anyone on someone else’s improved or enclosed land; no hunting by persons not qualified to vote on unimproved and unenclosed private property. The 1771 New Jersey revision eliminated the discrimination against non-voters.”).

¹⁸⁸ “An Act More effectually to restrain gunners, and for other purposes.” 1820 Pennsylvania - General Assembly, Regular Session : 84-84. Approved March 7, 1821. Available at <https://heinonline.org/HOL/P?h=hein.ssl/sspa0263&i=92> (last accessed May 4, 2023).

¹⁸⁹ “An Act to prohibit the carrying of Fire-Arms on premises or plantations of any citizen without consent of the owner”. Law of Nov. 6, 1866, Ch. 92, § 1, 1866 Tex. Gen. Laws 90, 5 H. Gammel, Laws Of Texas 1008 (1898).

9. New York (1892)

No person shall trespass upon inclosed or cultivated lands for the purpose of shooting or hunting any game ... after public notice has been given by the owner or person entitled to the exclusive right to shoot ... thereon...; being on such lands with gun ... shall be deemed a violation of this section.¹⁹⁰

10. Oregon (1893)

§ 1. It shall be unlawful for any person, other than an officer on lawful business, being armed with a gun, pistol, or other firearm, to go or trespass upon any enclosed premises or lands without the consent of the owner or possessor thereof. § 2. It shall be unlawful for any person to shoot upon or from the public highways. § 3. It shall be unlawful for any person, being armed with a gun or other firearm, to cause, permit or suffer any dog, accompanying such person, to go or enter upon any enclosed premises without the consent of the owner or possessor thereof; provided; that this section shall not apply to dogs in pursuit of deer or varmints.¹⁹¹

11. Rhode Island (1896)

Of Firearms and fire-works, § 1. Every person who shall discharge any rifle, gun, musket, blunderbuss, fowling-piece, pistol, air-gun, spring-gun or other contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles, in or across any road, street, square or lane shall be fined not less than three dollars nor more than twenty dollars. § 3. Every person, not being at the time under military duty, who shall discharge any rifle, gun, musket, blunderbuss, fowling-piece, pistol, air-gun, spring gun, or other small arms, or any contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles, except upon land owned or occupied by him or by permission of the owner or occupant of the land on or into which he may shoot, within the compact part of any town or city, or not being at the time on military duty, shall anywhere discharge any of such arms or contrivances on Sunday, shall be fined not exceeding twenty dollars. § 5. Every person who shall discharge any gun, rifle, musket or blunderbuss in any road, street, lane or tavern or other public house, after sun setting and before sun rising, shall be fined five dollars for the first offence and seven dollars for subsequent offense.¹⁹²

XVI. No Guns / Shooting on Ships

1. Massachusetts Colony (1663)

Colony Laws. § 4. Be it also enacted by the authority of this court, that no masters of ships, or seamen, having their vessels riding within any of our harbors in this jurisdiction, shall presume to drink healths, or

Kopel, at 246. Available at: <https://texashistory.unt.edu/ark:/67531/metaph6727/m1/5/>; last accessed April 20, 2023).

¹⁹⁰ NY General Laws Chapter 31 Section 210. 1892 Laws of New York - 115th Legislature Regular Session 983 - 1010 at 1001.

¹⁹¹ 1893 Or. Laws 79, An Act to Prevent a Person from Trespassing upon Any Enclosed Premises or Lands Not His Own Being Armed with a Gun, Pistol, or Other Firearm, and to Prevent Shooting upon or From the Public Highway, §§ 1-3. Kopel, at 246.

¹⁹² General Laws of the State of Rhode Island and Providence Plantations to Which are Prefixed the Constitutions of the United States and of the State. Page 371-372, Image 387-388 (Providence, 1896) available at The Making of Modern Law: Primary Sources.

suffer any healths to be drunk within their vessels by day or night, or to shoot off any gun after the daylight is past, or on the sabbath day, on penalty for every health twenty shillings, and for every gun so shot twenty shillings...¹⁹³

XVII. No Shooting Near Powder House

1. Rhode Island Colony (1762)

And be it further Enacted by the Authority aforesaid, That no person whatsoever shall fire a gun or other fireworks within one hundred yards of the said powder house, upon the penalty of paying a fine of ten shillings lawful money, for every such offence, to be recovered by the Town Treasurer, for the use of the said Town.¹⁹⁴

2. Rhode Island (1822)

And be it further enacted, That no person whosoever shall fire a gun or other fire-works within one hundred yards of the said powder-house, upon the penalty of two dollars for every such offence, to be recovered by the town treasurer for the use of said town.¹⁹⁵

XVIII. No Shooting Near Cemeteries

1. Massachusetts (1838)

Sec. 4. Any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone, or other structure placed in the cemetery aforesaid ; or any fence surrounding said land ; or any fence, railing or other work erected for the protection or ornament of any tomb, monument, grave-stone or other structure, aforesaid, or of any cemetery lot; or shall wilfully destroy, remove, cut, break or injure any tree, shrub, or plant, within the limits of said garden or cemetery ; or shall shoot or discharge any gun or other fire-arms within the said limits, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any justice of the peace, or other court of competent jurisdiction, shall be punished by a fine not less than five dollars, nor more than one hundred dollars, according to the nature and aggravation of the offence ; and such offender shall also be liable to an action or trespass, to be brought in any court of competent jurisdiction in the name of the proprietors of said cemetery, to pay all damages which shall have been occasioned by his or her unlawful act or acts ; which money, when recovered, shall be applied, by the trustees of said corporation, to the reparation and restoration of the property destroyed or injured as aforesaid ; and members of said corporation shall be competent witnesses in such suit.¹⁹⁶

¹⁹³ The Charters And General Laws Of The Colony And Province Of Massachusetts Bay Page 190, Image 197 (1814) available at The Making of Modern Law: Primary Sources.

¹⁹⁴ 1762 R.I. Pub. Laws 132.

¹⁹⁵ Ordinances of the City of Newport. Gunpowder–Firemen. § 11. The Charter of the City of Newport, R. I., and the Special State Laws Relating Thereto, Together with the Ordinances for the Government of the City. Page 39, Image 40 (1858) available at The Making of Modern Law: Primary Sources.

¹⁹⁶ An Act to incorporate the Proprietors of the Rural Cemetery in Worcester. 1838 Massachusetts Acts and Resolves of the General Court Ch. 17, Section 4.

2. Missouri (1840)

Any person who shall willfully . . . shoot or discharge any gun or other fire arms within the said limits, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace, or any other court of competent jurisdiction within the county of St. Louis, be punished by a fine of not less than five dollars, nor more than fifty dollars, according to the nature and aggravation of the offence[.]¹⁹⁷

3. Maryland (1841)

Any Person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone, or other structure, placed in the cemetery . . . or shall shoot or discharge any gun, or other fire arms, within the said limits, shall be considered guilty of a misdemeanor . . .¹⁹⁸

4. Ohio (1841)

That any person who shall willfully . . . shoot or discharge any gun within the limits aforesaid, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before the mayor of the city of Dayton, or any justice of the peace of the township of Dayton, be punished by a fine not less than five dollars, nor more than fifty dollars, according to the nature and aggravation of the offence[.]¹⁹⁹

5. Connecticut (1847)

That every person, who shall willfully and maliciously destroy, mutilate, deface or injure, or remove any tomb, monument or gravestone or other structure placed within any cemetery, grave yard or place of public burial . . . or shall discharge any gun or other fire-arm within said cemetery, shall upon conviction thereof be punished by a fine not exceeding one hundred dollars, or by imprisonment in a common gaol not exceeding six months, or by such fine and imprisonment both at the discretion of the Court having cognizance of the offence . . .²⁰⁰

6. Georgia (1847)

That any person who shall willfully or wantonly destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, or other structure placed in the Cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of the same, or of any burial-lot within the limits aforesaid, or shall willfully or wantonly destroy, remove, cut, break or injure any tree, shrub or plant within the limits

(<https://archives.lib.state.ma.us/bitstream/handle/2452/107474/1838acts0017.pdf?sequence=4&isAllowed=y>, last accessed April 19, 2023).

¹⁹⁷ 1840 Mo. Laws 193-94, An Act To Incorporate The Rural Cemetery Association, § 7.

¹⁹⁸ 1841 Md. Laws 114, An Act To Incorporate The Mount Orange Cemetery, In The County of Baltimore, ch. 148, § 4.

¹⁹⁹ 1841 Ohio Laws 73, Local Acts vol. 40, An Act to Incorporate the Woodland Cemetery Association of Dayton, § 5.

²⁰⁰ 1847 Conn. Acts 11, An Act Relating To Cemeteries, chap. 9.

aforesaid, or shall shoot or discharge any gun or other firearms within the limits aforesaid, shall be deemed guilty of a misdemeanor²⁰¹

7. Pennsylvania (1847)

That if any person shall open any tomb or grave in the lands of the cemetery of Laurel Hill cemetery company of Philadelphia . . . or shall shoot or discharge any gun or other fire arms within said limits shall be deemed guilty of a misdemeanor. . . .²⁰²

8. Pennsylvania (1849)

Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument, grave, stone or other structure, placed in any cemetery or grave yard appropriated to, and used for the internment of human beings, within this state, or shall willfully injure, destroy, or remove any fence, railing or other work for the protection or ornament of such places of internment, or shall willfully destroy, cut break or remove any tree, shrub or plant within the limits of said places of internment, or shall within the same, shoot or discharge any gun or other fire arms, or shall open any tomb or grave within the same, and clandestinely remove or attempt to remove any body or remains therefrom, shall be guilty of a misdemeanor, and shall, upon conviction thereof, before any justice of the peace of the county where the said offence is committed, be punished by a fine, at the discretion of the justice, according to the aggravation of the offence, of not less than one nor more than fifty dollars, for the use of the said county. . . .²⁰³

9. Illinois (1855)

Any person who shall . . . shoot off or discharge any gun or other firearms within the said limits shall be deemed guilty of a misdemeanor²⁰⁴

10. Ohio (1855)

If any person, or persons, shall fire any cannon, gun, or other firearms, within the bounds of the building lots, or cemetery ground in this city, or within one hundred yards of any public road, within this corporation, except by permission of council, and except in proper situations for firing salutes, or by command of a military officer in the performance of military duty, *every person, so offending, on conviction thereof, shall pay a fine not exceeding ten dollars, and costs.*²⁰⁵

²⁰¹ 1847 Ga. Laws 138, An Act To Incorporate The Evergreen Cemetery Company Of Bonaventure, § 5.

²⁰² 1847 Pa. Laws 266, An Act Relating to the Laurel Hill Cemetery in Philadelphia, § 1.

²⁰³ Act of April 5, 1849, An Act to Prevent the Opening of Streets of Public Roads Through Burial Grounds, and For the Protection of Cemeteries and Grave Yards, § 2. John Purdon, A Digest of the Laws of Pennsylvania, from the Year One Thousand Seven Hundred to the Twenty-Second Day of April, One Thousand Eight Hundred and Forty-Six. Seventh Edition Page 1228, Image 1228 (1852) available at The Making of Modern Law: Primary Sources.

²⁰⁴ 1855 Ill. Laws 465, An Act to Incorporate the Springdale Cemetery Association, § 15.

²⁰⁵ Ordinances of the City of Dayton. Offenses. § 38. Sec. XXXIX. George W. Malambre, Laws and General Ordinances of the City of Dayton, Containing the Laws of the State upon Municipal Government; All the General Ordinances in Force August 30th, 1855; a List of the Officers of the City under the New Act of Incorporation, Together with the Amount of Taxes Levied in Each Year for General and Special Purposes, since 1851, and the

11. Massachusetts (1856)

Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, or other structure placed in the cemetery aforesaid . . . or discharge any gun or other fire-arms, within the said limits, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, or other court of competent jurisdiction, shall be punished by a fine not less than five dollars, nor more than one hundred dollars...²⁰⁶

12. New York (1868)

§15. It shall be unlawful for any person, within any cemetery aforesaid to ... fire off any gun, musket or any other thing containing powder...²⁰⁷

13. North Carolina (1871)

That any person who shall willfully . . . shoot or discharge any gun or other firearms within the limits thereof shall be deemed guilty of a misdemeanor, and upon conviction before any justice of the peace of the county of Pasquotank, shall be fined at the discretion of the court and be moreover liable to the company for the damage done by such act.²⁰⁸

14. Louisiana (1873)

And any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, or other structure placed therein, or shall willfully destroy, cut, break or remove any tree, shrub or plant within the limits of said cemetery, or shoot or discharge any gun or firearms within said limits, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof, before any court or tribunal of competent jurisdiction, be punished by a fine at the discretion of the judge, according to the aggravation of the offense, of not less than five dollars, nor more than fifty dollars for each and every offense.²⁰⁹

Total Amount in Each Year, of Property Subject to Taxation Page 214, Image 219 (1855) available at The Making of Modern Law: Primary Sources.

²⁰⁶ 1856 Mass. Acts 85-87, An Act to Incorporate the Proprietors of Oak Grove Cemetery, chap. 154, § 6.

²⁰⁷ 1868 Laws of New York – 91st Legislature “AN ACT for the regulation of public cemeteries in Saratoga county”. Chap. 777, §15. Passed May 9, 1868.

²⁰⁸ 1871-1872 N.C. Sess. Laws 113, Priv. Laws, An Act to Incorporate the Hollywood Cemetery, ch. 72, § 4.

²⁰⁹ 1873 La. Acts 117, An Act Conferring Certain Additional Powers and Privileges on the Metairie Cemetery Association, and to Punish Trespassers, § 1.

15. Oregon (1876)

Ordinances of the Town of Jacksonville, For the Better Protection of the Cemetery, § 9. All persons are forbidden to shoot or fire off any gun within said cemetery enclosures, or put or turn loose any animal therein.²¹⁰

16. Illinois (1885)

. . . That any person who shall willfully destroy, mutilate or injure any tomb, monument, stone, vault, tree, shrub or ornament, or any object whatever, in any cemetery, or in any avenue, lot or part thereof, or shall hunt, shoot or discharge any gun, pistol or other missile, with the limits of any cemetery, or shall cause any shot or missile to be discharged into or over any portion thereof, or shall violate any of the rules made and established by the board of directors of such cemetery . . .²¹¹

17. Virginia (1885)

Any person who shall willfully destroy, injure or remove any tombstone or monument placed in the said cemetery . . . or shall shoot of or discharge any gun, pistol or other firearm within the said enclosure, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than five dollars. . .²¹²

XIX. No Shooting Near Bridges

1. Pennsylvania (1830)

And be it further enacted by the authority aforesaid, That if any person shall be guilty of carrying a lighted segar, or pipe, or of carrying fire in any manner what- ever, over said bridge, except in a lantern, or in some vessel where it will be fully secured, or the possibility of it setting fire to the bridge, fully prevented, or who shall fire any squib), cracker, rocket, or other fireworks, or who shall discharge any gun, pistol, or other fire arms, on said bridge, he or they so offending shall forfeit and pay to said corporation, the sum of five dollars, to be recovered before any Justice of the peace as debts of a like amount are or may be recoverable.²¹³

2. Pennsylvania (1832)

And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said bridge, or of any toll house, gates, bars or other property of the said corporation, appurtenant to, or erected for the use and convenience of said bridge, or of the

²¹⁰ Ordinances of the Town of Jacksonville, to Which Are Prefixed the Town Charter and Other Acts of the Legislature of Oregon Relating to Towns, Together with Amendments to the Charter and Ordinances Page 44-45, Image 45-46 (Jacksonville, 1876) available at The Making of Modern Law: Primary Sources.

²¹¹ 1885 Ill. Laws 54, An Act to Protect Cemeteries and to Provide for their Regulation and Management, § 1.

²¹² 1885-86 Va. Acts 275, An Act To Incorporate The Smithfield Evergreen Cemetery, Near The Town Of Smithfield, In The county Of Isle Of Wight, Virginia, ch. 258, § 10.

²¹³ “A FURTHER SUPPLEMENT To an act authorising the Governor to incorporate a company for erecting a permanent bridge over the river Schuylkill, at or near the borough of Norristown, in the county of Montgomery.” 1829 Pennsylvania - General Assembly, Regular and Extraordinary Sessions: 334-337. Enacted April 6, 1830. Available at <https://heinonline.org/HOL/P?h=hein.ssl/sspa0118&i=350> (last accessed May 4, 2023).

person employed in attending to the same, or shall wilfully, without the consent or orders of said corporation, deface or destroy any list of the rates of toll, affixed in any place or places, for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for every such offence, to said corporation, the sum of twenty dollars, to be recovered before any justice of the peace, as debts of a like amount are recoverable; and if any person shall be guilty of carrying a lighted segar or pipe, or of carrying fire in any manner whatever, over said bridge, except in a lantern, or in some vessel secured, so that the possibility of its setting fire to the bridge shall be fully prevented, or who shall fire any squib, cracker, rocket or other fireworks, or who shall discharge any gun, pistol, or other fire arms on or near said bridge, so that the said bridge might by possibility be fired or injured thereby, he or they so offending shall forfeit and pay to said corporation the sum of five dollars for every such offence, to be recovered as aforesaid....²¹⁴

3. Pennsylvania (1848)

. . . and if any person shall be guilty of carrying any lighted cigar . . . or who shall discharge any pistol or gun, or any fire arms on or near said bridge, so that the said bridge, by possibility, be set on fire, or injured by said cause, he or she so offending shall forfeit and pay to the said corporation, the sum of five dollars for every such offence. . .²¹⁵

4. Maryland (1872)

That for the safety of passengers and vehicles passing on said bridge, there shall be a penalty of not less than ten nor more than fifty dollars for any person or persons to shoot any gun, pistol, or fire-works of any kind, whatever on the said bridge . . .²¹⁶

5. Maryland (1874)

Roads. § 12. No person shall fire any gun, pistol or firelock of any kind, on or within twenty yards of any public road, street, bridge, causeway or highway in Cecil county, under a penalty of not less than five nor more than twenty dollars, to be recovered in the same manner as prescribed in section one hundred and seventy seven of this Article.²¹⁷

²¹⁴ “AN ACT Authorizing the Governor to incorporate a company to build a toll bridge over the river Schuylkill, between the Black and White Horse taverns, in Amity township, Berks county.” 1831 Pennsylvania - General Assembly, Regular Session : 397-403. Enacted May 3, 1832. Available at <https://heinonline.org/HOL/P?h=hein.ssl/sspa0120&i=421> (last accessed May 4, 2023).

²¹⁵ 1848 Pa. Laws 137, An Act To Incorporate A Company To Erect A Bridge Over The River Schuylkill, At Or Near Laurensville, In The county Of Chester, § 13.

²¹⁶ 1872 Md. Laws 520, An Act To Incorporate A Company To Construct A Bridge Across The Severn River, At Annapolis, In Anne Arundel County, § 17.

²¹⁷ Edward Otis Hinkley, Supplement to the Maryland Code: Containing the Acts of the General Assembly Passed at the Session of 1864 Page 76 Image 153 (Vol. 2, 1865) available at The Making of Modern Law: Primary Sources.

6. Pennsylvania (1874)

If any person . . . shall discharge any pistol, or gun, or any fire-arms on or near said bridges, he, she or they so offending shall forfeit and pay to the said company the sum of five dollars each...²¹⁸

7. New Jersey (1877)

An Act for the Protection of Bridges over the River Delaware, § 3. That it shall not be lawful for any person or persons passing riding or driving over any toll bridge, as aforesaid, to carry any lighted cigar or pipe, or to carry fire in any form, or to light any match, or cigar, or pipe, or to fire off any gun, or other fire arms, or to explode any fireworks of any description, on said bridge, or within its enclosures; or to engage in any game with cards or other device for money, or the value of money, or the value of money, or for pleasure, or to engage in any foot racing, or other racing; or to congregate upon such bridge so as, in any wise, to interfere or annoy persons travelling over the same, under the penalty of ten dollars for each and every such offence, to be recovered as aforesaid, with costs of suit against each and every person so offending.²¹⁹

XX. No Shooting Near Pubs

1. Ohio (1855)

If any person, or persons, shall fire any cannon, gun, or other firearms, within the bounds of the building lots, or cemetery ground in this city, or within one hundred yards of any public road, within this corporation, except by permission of council, and except in proper situations for firing salutes, or by command of a military officer in the performance of military duty, every person, so offending, on conviction thereof, shall pay a fine not exceeding ten dollars, and costs.²²⁰

XXI. Laws where State Explicitly Gives Town / City Right to Regulate Guns

1. New York (1813)

Be it enacted by the people of the state of New York, represented in Senate and Assembly, That the freeholders and inhabitants of said village ... shall be, and hereby are authorized and empowered ... to make, ordain, constitute and establish such prudential rules, orders and regulations as a majority of such freeholders and inhabitants so assembled and having a right to vote, shall judge necessary and convenient, relative to the preventing and removing of nuisances in any and all parts of said village ... to ... the discharging of fire arms within the same (excepting by militia or regular troops when embodied or under command of their proper officers) ... and to impose such penalties on the offenders against such rules,

²¹⁸ 1874 Pa. Laws 91, An Act To Regulate The Manner Of Increasing The Indebtedness of Municipalities To Provide For The Redemption Of The Same And To Impose Penalties For The Illegal Increase Thereof, § 31, cl. 5.

²¹⁹ Mercer Beasley, Revision of the Statutes of New Jersey: Published under the Authority of the Legislature; by Virtue of an Act Approved April 4, 1871 Page 91, Image 137 (1877) available at The Making of Modern Law: Primary Sources.

²²⁰ Ordinances of the City of Dayton. Offenses. § 38. Sec. XXXIX. George W. Malambre, Laws and General Ordinances of the City of Dayton, Containing the Laws of the State upon Municipal Government; All the General Ordinances in Force August 30th, 1855; a List of the Officers of the City under the New Act of Incorporation, Together with the Amount of Taxes Levied in Each Year for General and Special Purposes, since 1851, and the Total Amount in Each Year, of Property Subject to Taxation Page 214, Image 219 (1855) available at The Making of Modern Law: Primary Sources.

orders and regulations, or any or either of them, as the majority of such freeholders and inhabitants having a right to vote, so assembled shall from time to time deem proper....²²¹

2. New York (1822)

AN ACT to amend the act, entitled “An act to vest certain Powers in the Freeholders and Inhabitants of the Village of Catskill, in the County of Greene,” passed March 14th, 1806.

Passed April 12, 1822

*BE it enacted by the People of the State of New-York, represented in Senate and Assembly, ... VII. That the said board of trustees shall have power to establish such ordinances, by-laws, and regulations, as they shall think proper and reasonable ... to regulate and prevent the firing of guns, muskets, pistols, rockets, crackers, squibs and fireballs in said village*²²²

3. New York (1854)

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

Title V, §7. The common council within [Syracuse] shall have power, as herein provided, to make, establish, publish, modify, ordain, amend or repeal ordinances, rules, regulations and by-laws for the following purposes ...

15. To prohibit or regulate the ... firing of guns, pistols, ... or any other practice having a tendency to frighten animals, or to annoy persons passing in the streets and sidewalks of such city.²²³

4. New York (1859)

§48. The trustees shall have power, in their discretion: ...

9. To prevent or regulate the firing of guns, pistols, crackers, rockets and squibs ...²²⁴

²²¹ 1813 Laws of New York – 36th Legislative Session, 66-67. An ACT to amend an act entitled “An act to rest certain powers in the Freeholders and Inhabitants of the Village of Herkimer”. Passed March 12, 1813.

²²² 1822 Laws of New York – 45th Legislature, 207-215. “AN ACT to amend the act, entitled ‘An act to vest certain Powers in the Freeholders and Inhabitants of the Village of Catskill, in the County of Greene,’ passed March 14th, 1806.” Passed April 12, 1822. Section VII.

²²³ 1854 Laws of the State of New York, 77th Legislature, 37-50, at 46. “An ACT to revise the charter of the city of Syracuse.” Title V, §7.15 Passed February 25, 1854.

²²⁴ 1859 Laws of New York – 82nd Legislature 714-744 at 733. “An Act to amend the incorporation of the village of Lancaster, in the county of Erie”. § 48.7. Passed April 14, 1859.

5. New York (1860)

SECTION 1. No person shall kill or shoot any game or birds upon the waters of Luzerne lake, in the town of Luzerne, and county of Warren, or upon the shores thereof, nor shall any person fire any gun or pistol upon the said lake, or upon the shores or lands within twenty-five rods of same.²²⁵

6. New York (1873)

The [village] board shall also have power as to acts and matters within the corporate bounds, to make, publish, amend and repeal rules, ordinances and by-laws for the following purposes:

20. To prevent and punish the discharge of fire-arms... in the roads, avenues, lanes, streets and public places of the village or in the vicinity of any building therein.²²⁶

7. New York (1888)

... The [village] trustees shall have the power as to acts and matters within the corporate bounds, to make, publish, amend and repeal rules ordinances and by-laws for the following purposes:

§ 26. To prevent and punish the discharge of firearms ... in the roads, avenues, lanes, streets and public places of the village, or in the vicinity of any building therein.²²⁷

8. New York (1889)

§8. The [village] trustees shall have power as to acts and matters within the corporate bounds to make, publish, amend and repeal rules, ordinances and by-laws for the following purposes ...

20. To prevent and punish the discharge of firearms... in the roads and avenues, lanes, streets and public places of the village, or vicinity of any building therein.²²⁸

9. New York (1890)

The board of trustees ... shall have power within the limits of said village: ...

²²⁵ 1860 Laws of New York – 83rd Legislature at 374. Chapter 223. “AN ACT for the preservation of birds and small game upon and around the shores of Luzerne lake.” Passed April 10, 1860.

²²⁶ “AN ACT to amend the charter of the village of Deposit, situated partly in the town of Sanford, Broome county and partly in the town of Tomkins, Delaware county, and to revise and compile the several acts relative to said village.” Passed April 29, 1873. Title III §5.20. 1873 Laws of New York – 96th Legislature 466-480 at 474.

²²⁷ “AN ACT further to amend chapter two hundred and seventy-seven of the laws of eighteen hundred and sixty-eight, entitled “An act to amend an act entitled ‘An act to provide for the incorporation of villages passed December seventh eighteen hundred forty-seven’ and the several acts amendatory thereof so far as the same relates to the village of Baldwinsville Onondaga county, and to revise and amend the charter of said village.” Approved by the Governor May 19, 1888. Title III §26.

²²⁸ “AN ACT to amend, revise and consolidate the laws in relation to the village of Penn Yan, in the county of Yates.” Passed April 9, 1889. 1889 Laws of New York - 112th Legislature Regular Session 122-142 at 128.

14. To prevent and punish the discharge of firearms ... in the roads, avenues, streets and public places in the village, or in the vicinity of any building therein.²²⁹

XXII. No Guns / Shooting on Sunday

1. Massachusetts Colony (1656)

Laws of Plymouth Colony (1656). And likewise *that no Indian shall discharge any gun on the Lords day* at any thing to the breach of the Sabbath and disturbance of the English; as they will answer it at their peril.²³⁰

2. Virginia Colony (1657)

THAT the Lord's day be kept holy, and that no journeys be made except in case of emergent necessitie on that day, that no goods bee laden in boates nor shooteing in gunns or the like tending to the prophanation of that day, which duty is to be taken care of by the ministers and officers of the severall churches, &c by the comissioners in their places, and the partie delinquent to pay one hundred pounds of tobacco or layd in the stocks, and to take care that servants and others do repaire to their severall churches everie Lord's day²³¹

3. Massachusetts Colony (1663)

Colony Laws. § 4. Be it also enacted by the authority of this court, that no masters of ships, or seamen, having their vessels riding within any of our harbors in this jurisdiction, shall presume to drink healths, or suffer any healths to be drunk within their vessels by day or night, or to shoot off any gun after the daylight is past, or on the sabbath day, on penalty for every health twenty shillings, and for every gun so shot twenty shillings²³²

4. Rhode Island Colony (1679)

That if any person or persons shall presume to sport game or play at any manner of game or games *or* shooting out any gun or shall set tipling & drinking in any tavern alhouse ordinary or vitling house on the first day of the week more than necessity requireth and upon examination of the fact it shall be judged by any Justice of the Peace and the Person or Persons so offending as aforesaid. Upon conviction before one Justice of Peace Shall by the said Justice of the Peace be sentenced for every the aforesaid offences to set

²²⁹ “AN ACT to revise and amend the charter of the village of Attica, in the county of Wyoming.” Approved by the Governor June 7, 1890. 1890 Laws of New York – 113th Legislature Regular Session 992-1011 at 1000.

²³⁰ Records Of The Colony Of New Plymouth In New England. Boston, 1861 Page 66, Image 77 available at The Making of Modern Law: Primary Sources.

²³¹ Laws of Virginia March, 1657-8 9th of Commonwealth, Act III. Available at <https://vagenweb.org/hening/vol01-19.htm>, last accessed April 20, 2023.

²³² The Charters And General Laws Of The Colony And Province Of Massachusetts Bay Page 190, Image 197 (1814) available at The Making of Modern Law: Primary Sources.

in the stocks three hours or pay five shillings in money for the use of the poor of the town or place where the offence was committed.²³³

5. New Hampshire (1853)

An Ordinance for the Prevention of Certain Practices on the Sabbath, § 2. It shall be unlawful for any person to enter upon, or travel over or through any garden, orchard, or field other than his own, or over or through any grounds of any other person; or discharge any gun or pistol upon his own or the premises of any other person or on any street or public highway within said city on the aforesaid first day of the week. § 3. Any person offending against any of the provisions of this ordinance shall be liable to a fine of not less than one dollar, nor more than twenty dollars for each and every offence.²³⁴

6. Arkansas (1855).

Criminal Law. §10. If any person shall be found hunting with a gun, with intent to kill game, or shooting for amusement on the Sabbath day, he shall be deemed guilty of a misdemeanor, and, on presentment, indictment, and conviction thereof, shall ...²³⁵

7. Mississippi (1857)

Sabbath, Violation of, Art. 229. If any person shall be found hunting with a gun, on the Sabbath, he shall, on convicted thereof, be fined not less than five, nor more than twenty dollars.²³⁶

8. New York (1859)

Ordinances of the City of New York. Firing of Fire-Arms, Cannons and Fireworks. § 6. No tavern-keeper, keeper of a public house, garden or place of resort, nor any other person, shall suffer or permit any person to practice with or fire off any pistol, gun, fowling-piece or other fire-arms, in or upon his or her premises, nor shall suffer or permit any pistol gallery, erected in his or her house, or upon his or her premises, to be used for the purpose of practicing with any pistol gun, fowling-piece or other fire-arms, upon the first day of the week, called Sunday, under the penalty of fifty dollars for each offense, to be sued for and recovered from the person keeping such public house, tavern, public garden, pistol gallery, place of resort or premises; and also the further penalty of fifty dollars for each offense, to be sued for and recovered from the person firing off or practicing with a pistol, gun, fowling-piece, or other fire-arms; and in case of such person so

²³³ 1636-1748 R.I. Pub. Laws 31, At A General Assembly Held For Rhode Island Colony At Newport 6th of May, 1679.

²³⁴ A Municipal Register of the City of Concord, Containing the City Charter and Ordinances, the Rules of the City Council, and a List of the City Officers Page 39, Image 40 (1857) available at The Making of Modern Law: Primary Sources.

²³⁵ Josiah Gould, A Digest of the Statutes of Arkansas, Embracing All Laws of a General and Permanent Character in Force at the Close of the Session of the General Assembly of 1856: Together with Notes of the Decisions of the Supreme Court upon the Statutes, and an Appendix Containing Forms for Justices of the Peace Page 374-75, Image 388-89 (1858) available at The Making of Modern Law: Primary Sources. Also cited in Edward W. Gantt, A Digest of the Statutes of Arkansas Embracing All Laws of a General and Permanent Character in Force at the Close of the Session of the General Assembly of One Thousand Eight Hundred and Seventy-Three Page 383, Image 383 (1874) available at The Making of Modern Law: Primary Sources.

²³⁶ William Lewis Sharkey, The Revised Code of the Statute Laws of the State of Mississippi Page 610, Image 614 (1857) available at The Making of Modern Law: Primary Sources.

offending shall be an apprentice, such penalty shall be sued for and recovered from the master of such apprentice, or in case such person so offending shall be a minor and not an apprentice, the same shall be sued for and recovered from the father of, or in case of the death of the father, then from the mother or guardian of such minor.²³⁷

9. Texas (1863)

An Act Amendatory of an Act to punish certain offences committed on Sunday, approved December 16th, 1863. § 3. That any person or persons who shall engage in hunting game, either with gun or dogs, or otherwise, on Sunday, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than five nor more than twenty-five dollars; and if upon the trial of any cause coming under the provision of this section, it shall be proven that the stock of any person has been injured or killed, which proof shall be admissible in all cases, the party or parties shall be fined double the amount before mentioned, and shall be adjudged to pay all damages to the person whose stock has been injured or killed.²³⁸

10. Kentucky (1866)

That No person shall, within this Commonwealth, on the Sabbath day, enter or go upon the land of another person to catch, shoot, or kill any birds, fowl, or animal of any kind; and any such person having in his possession a gun at the time, or after he enters upon the premises of another as aforesaid, shall, upon proof, be guilty of a violation of this act, and, upon conviction thereof, by proceedings before any justice of the peace, in any county of the State²³⁹

11. North Carolina (1868)

[I]f any person or persons whomsoever shall be known to hunt in this state on the Sabbath with a dog or dogs, or shall be found off of their premises on the Sabbath, having with him or them a shot-gun, rifle or pistol, he or they shall be subject to indictment; and, upon conviction, shall pay a fine not to exceed fifty

²³⁷ D. T. Valentine, *Ordinances of the Mayor, Aldermen and Commonalty of the City of New York: Revised A. D. 1859 Adopted by the Common Council Page 235, Image 243 (1859)* available at *The Making of Modern Law: Primary Sources*.

²³⁸ Hans Peter Marcus Neilsen Gammel, *The Laws of Texas, 1822-1897. Austin's Colonization Law and Contract; Mexican Constitution of 1824; Federal Colonization Law; Colonization Laws of Coahuila and Texas; Colonization Law of State of Tamaulipas; Fredonian Declaration of Independence; Laws and Decrees, with Constitution of Coahuila and Texas; San Felipe Convention; Journals of the Consultation; Proceedings of the General Council; Goliad Declaration of Independence; Journals of the Convention at Washington; Ordinances and Decrees of the Consultation; Declaration of Independence; Constitution of the Republic; Laws, General and Special, of the Republic; Annexation Resolution of the United States; Ratification of the same by Texas; Constitution of the United States; Constitutions of the State of Texas, with All the Laws, General and Special passed thereunder, Including Ordinances, Decrees, and Resolutions, with the Constitution of the Confederate States and the Reconstruction Acts of Congress. Page 1140, Image 1155 (Vol. 5, 1898)* available at *The Making of Modern Law: Primary Sources*.

²³⁹ *Kentucky 1866 An Act To Prevent Shooting On The Sabbath In This Commonwealth, ch. 656, § 1. Alternate citation: ACTS OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY, PASSED AT THE SESSION OF THE GENERAL ASSEMBLY WHICH WAS BEGUN AND HELD IN THE CITY OF FRANKFORT, ON MONDAY, THE FOURTH DAY OF DECEMBER, 1865, at 52 (1866). Kopel, at 246.*

dollars at the discretion of the Court, two-thirds of such fine to enure to the benefit of the free public schools in the County of which such convict is a resident, the remainder to the informant.²⁴⁰

12. Mississippi (1871)

Sabbath, Violation of. § 2683. If any person shall be found hunting with a gun, or with dogs, on the Sabbath, or fishing in any way, he shall, on conviction thereof, be fined not less than five, nor more than twenty dollars.²⁴¹

13. Georgia (1873)

Act of Feb. 20th, 1873, Hunting on Sunday — Penalty § 4580. Any person or persons who shall hunt any kind of game with gun or dogs, or both, on the Sabbath day, shall be guilty of a misdemeanor, and, on conviction, shall be punished as prescribed in section 4310 of this code.²⁴²

14. Kentucky (1873)

Crimes and Punishments. § 11. If any person shall hunt game with a gun or dogs on the Sabbath, he shall be fined not less than five nor more than fifty dollars for each offense.²⁴³

15. Illinois (1876)

Misdemeanors. § 6. No person shall shoot any bird or animal, nor hunt with gun or dog in any street, highway, alley, thoroughfare, park, or public grounds. . . § 8. No person shall fire, or discharge any cannon, gun, fowling piece, pistol or firearms of any description, or fire, explode, or set off any squib, crackers or other thing containing powder or other explosive substances on Sunday.²⁴⁴

16. Virginia (1877)

If any person carrying any gun, pistol, bowie-knife, dagger, or other dangerous weapon, to any place of worship while a meeting for religious purposes is being held at such place, or without good and sufficient cause therefor, shall carry any such weapon on Sunday at any place other than his own premises, shall be fined not less than twenty dollars. If any offense under this section be committed at a place of religious

²⁴⁰ 1868-1869 N.C. Sess. Laws 59-60, Pub. Laws, An Act to Prohibit Hunting on the Sabbath, ch. 18, § 1. Kopel, at 247.

²⁴¹ Amos Randall Johnston, *The Revised Code of the Statute Laws of the State of Mississippi : As Adopted at January Session, A.D. 1871* Page 586, Image 586 (1871) available at *The Making of Modern Law: Primary Sources*.

²⁴² R. H. Clark, *The Code of the State of Georgia. Second Edition* Page 826, Image 844 (1873) available at *The Making of Modern Law: Primary Sources*.

²⁴³ *The General Statutes of the Commonwealth of Kentucky. To Which are Prefixed Magna Charta, the Constitution of the United States, the Constitutions of Kentucky, and the Other Documents Ordered by Law* Page 345, Image 357 (1873) available at *The Making of Modern Law: Primary Sources*.

²⁴⁴ Consider H. Willett, *Village Attorney, Laws and Ordinances Governing the Village of Hyde Park Together with Its Charter and General Laws Affecting Municipal Corporations; Special Ordinances and Charters under Which Corporations Have Vested Rights in the Village. Also, Summary of Decisions of the Supreme Court Relating to Municipal Corporations, Taxation and Assessments* Page 61, Image 61 (1876) available at *The Making of Modern Law: Primary Sources*.

worship, the offender may be arrested on the order of a conservator of the peace without warrant, and held until warrant can be obtained, but not exceeding three hours.²⁴⁵

17. Maryland (1890)

No person whatsoever shall hunt with dog or gun on the Lord's day, commonly called "Sunday," nor shall profane the Lord's day by gunning, hunting, fowling, or by shooting or exploding any gun, pistol or firearm of any kind, or by any other unlawful recreation or pastime, and any person violating the provisions of this section shall, for every such offense, upon conviction before any justice of the peace for the county, forfeit the gun, pistol or other firearm used in such violation, and be fined not less than five dollars, nor more than thirty dollars. . .²⁴⁶

18. Rhode Island (1896)

Of Firearms and fire-works, § 1. Every person who shall discharge any rifle, gun, musket, blunderbuss, fowling-piece, pistol, air-gun, spring-gun or other contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles, in or across any road, street, square or lane shall be fined not less than three dollars nor more than twenty dollars. § 3. Every person, not being at the time under military duty, who shall discharge any rifle, gun, musket, blunderbuss, fowling-piece, pistol, air-gun, spring gun, or other small arms, or any contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles, except upon land owned or occupied by him or by permission of the owner or occupant of the land on or into which he may shoot, within the compact part of any town or city, or not being at the time on military duty, shall anywhere discharge any of such arms or contrivances on Sunday, shall be fined not exceeding twenty dollars. § 5. Every person who shall discharge any gun, rifle, musket or blunderbuss in any road, street, lane or tavern or other public house, after sun setting and before sun rising, shall be fined five dollars for the first offence and seven dollars for subsequent offense.²⁴⁷

XXIII. No Guns / Shooting at Night

1. Massachusetts Colony (1663)

Colony Laws. § 4. Be it also enacted by the authority of this court, that no masters of ships, or seamen, having their vessels riding within any of our harbors in this jurisdiction, shall presume to drink healths, or suffer any healths to be drunk within their vessels by day or night, or to shoot off any gun after the daylight is past, or on the sabbath day, on penalty for every health twenty shillings, and for every gun so shot twenty shillings.²⁴⁸

²⁴⁵ 1877 Va. Acts 305. Kopel, at 247.

²⁴⁶ 1890 Md. Laws 297, Sabbath Breaking, ch. 290, § 1.

²⁴⁷ General Laws of the State of Rhode Island and Providence Plantations to Which are Prefixed the Constitutions of the United States and of the State. Page 371-372, Image 387-388 (Providence, 1896) available at The Making of Modern Law: Primary Sources.

²⁴⁸ The Charters And General Laws Of The Colony And Province Of Massachusetts Bay Page 190, Image 197 (1814) available at The Making of Modern Law: Primary Sources.

2. Massachusetts Colony (1697)

That no person or persons whatsoever, in any town or garrison, shall presume to discharge or shoot off any gun or guns after the shutting in of the daylight in the evening, or before daylight in the morning, unless in case of alarm, approach of the enemy, or other necessary defence, on pain that every person so offending, and being thereof convicted before one or more of his majestie's justices of the peace, shall forfeit and pay the sum of ten shillings, one moiety thereof to and for the use of the poor of the town where the offence is committed, and the other moiety to him or them that shall inform or proscute for the same. And in case such offender shall not have wherewith to answer the said fine, or shall refuse or neglect to pay the same, then to be set in the stocks, not exceeding two hours' time : provided, that this act shall remain and continue in force during the present war, and no longer.²⁴⁹

3. Massachusetts Colony (1700)

Province Laws. An Act for Putting the Milita of this Province into a Readiness for Defense of the Same. § 3. Be it further enacted by the authority aforesaid, that no person or persons whatsoever in any town or garrison, shall during the time of war, or of keeping a military watch in such town or garrison, presume to discharge or shoot off any gun or guns after the sun's setting or before the sun's rising, unless in case of alarm, approach of an enemy, or other necessary defense, on pain that every person, so offending, and being thereof convicted before one or more of his majesty's justices of the peace, shall forfeit and pay the sum of twenty shillings for each gun so discharged, on moiety thereof to and for the use of the poor of the town where the offence shall be committed, and the other moiety to him or them that shall inform or prosecute for the same...²⁵⁰

4. Pennsylvania Colony (1712)

And that no master or commander of any merchant ship or vessel shall fire, or suffer to be fired, on board his vessel, any ordinance or other gun after eight o'clock in the evening, nor before daylight in the morning, without license from the governor first had, under the penalty of ten shillings for every offense. Nor shall any person presume to fire any gun, guns or small arms within the built part of the said city [Philadelphia], without special license from the governor, or some magistrate of the said city for so doing, under the penalty of two shillings and six pence for every offense.²⁵¹

5. South Carolina Colony (1740)

Malicious Mischief. § 13. And whereas an ill custom has prevailed in this province, of firing guns in the night time; for the prevention thereof for the future, Be it enacted, That if any person shall fire or shoot off any gun or pistol in the night time after dark and before day light, without necessity, every such person shall forfeit the sum of forty shillings current money, for each gun so fired as aforesaid; to be recovered by

²⁴⁹ An Act For Putting The Militia Of This Province Into A Readiness For Defence Of The Same. 1697 Massachusetts Acts and Resolves of the General Court Chapter 1, Section 3. Available at <https://archives.lib.state.ma.us/bitstream/handle/2452/118832/1697acts0001.pdf?sequence=3&isAllowed=y> (last accessed April 19, 2023).

²⁵⁰ The Charters And General Laws Of The Colony And Province Of Massachusetts Bay Page 343, Image 350 (1814) available at The Making of Modern Law: Primary Sources.

²⁵¹ An Act for the Better Government of the City of Philadelphia. 1712 Statutes at Large of Pennsylvania, Chapter CLXXXVI. Available at: <https://www.palrb.gov/Preservation/Statutes-at-Large/View-Documents/17001799/1712/0/act/0186.pdf> (last accessed April 20, 2023).

warrant from any one justice of the peace of the county where the offence is committed, according to the direction of the act for the trial of small and mean causes, and shall be paid to the church wardens of the parish where the offence shall be committed, for the use of the poor of said parish.²⁵²

6. New Hampshire Colony (1759)

[N]o person or persons whatever in any town or garrison within this province, shall during the time of war, or of keeping a military watch in such town or garrison, presume to discharge or shoot off any gun or guns after sun-setting, or before the sun's-rising, unless in case of alarm, approach of an enemy, or other necessary defense; on pain that every person so offending, and being thereof convicted before one or more of his Majesty's justices of the peace for this province, shall forfeit and pay the sum of five shillings, for each gun so discharged; one moiety thereof to the use of the poor of the town where the offence is committed, and the other moiety to him or them that shall inform or prosecute for the same. And if such offender shall not be able to pay the said fine, then he shall be set in the stocks by the space of two hours.²⁵³

7. Ohio (1788)

[I]f any person shall presume to discharge or fire, or cause to be discharged or fired, any gun or other fire arms at any mark or object, or upon any pretence whatever, unless he or she shall at the same time be with such gun or fire-arms at the distance of at least one quarter mile from the nearest building of any such city, town, village or station, such person shall for every such offense, forfeit and pay to the use of the county in which the same shall be committed, a sum not exceeding five dollars, nor less than one dollar. And if any person being within a quarter of a mile of any city, town, village or station as aforesaid, shall at the same time willfully discharge or fire any gun or fire-arms, or cause or procure the same to be discharged or fired, at any time after the setting of the sun and before the rising of the same, he or she so offending, shall in like manner forfeit and pay the use aforesaid, a sum not exceeding five dollars, nor less than one dollar[.]²⁵⁴

8. Vermont (1818) (Militia-Specific)

No noncommissioned officer, private or citizen shall unnecessarily fire a gun, single musket or pistol, in any public road, or near any house or place of parade, on the evening preceding, on the day or evening of the same, on which any troop company, battalion or regiment shall be ordered to assemble for military duty, unless embodied under the command of some commissioned officer; and if any non-commissioned officer, private or citizen, shall fire a musket, single gun or pistol, except as aforesaid, on the day or evening as aforesaid, without being embodied as aforesaid, he shall forfeit and pay a fine of two dollars for each and every such offence . . .²⁵⁵

9. Ohio (1833)

An Act for Suppressing and Prohibiting Every Species of Gaming for Money or Other Property and for making Void all contracts and payments made in consequence thereof, and so for restraining the disorderly

²⁵² An Alphabetical Digest Of The Public Statute Law Of South-Carolina. Charleston, 1814 Page 37, Image 41 (1814) available at The Making of Modern Law: Primary Sources.

²⁵³ 1759-76 N.H. Laws 115-16, An Act in Addition to the Act for Regulating the Militia.

²⁵⁴ 1788-1801 Ohio Laws 42, An Act for Suppressing and Prohibiting Every Species of Gaming for Money or Other Property, and for Making Void All Contracts and Payments Made in Furtherance Thereof, ch. 13, § 4.

²⁵⁵ 1818 Vt. Acts & Resolves 64-65, An Act Regulating and Governing the Militia of This State, § 42.

practice of discharging fire arms at certain hours and places, § 4. Be it enacted, That if any person shall presume to discharge or fire, or cause to be discharged or fired, any gun or other fire-arms at any mark or object, or upon any pretense whatever, unless he or she at the same time be with such gun or fire-arms at the distance of at least one-quarter of a mile from the nearest building of any such city, town, village or station, such person shall for every such offense, forfeit and pay to the use of the county in which the same shall be committed, a sum not exceeding five dollars, nor less than one dollar. And if any person being within a quarter of a mile of any city, town, village, or station as aforesaid, shall at the same time willfully discharge or fire any gun or fire-arms or cause or procure the same to be discharged or fired, at any time after the setting of the sun and before the rising of the same, he or she so offending, shall in like manner forfeit and pay to the use aforesaid a sum not exceeding five dollars, nor less than one dollar; reserving nevertheless to any person who will inform, and sue for either of the penalties hereinbefore last mentioned within one month from the commission of the offense, a moiety of the penalty which the party offending shall on conviction be adjudged to forfeit and pay, the other moiety thereof to go to the use of the county as aforesaid ; which said several penalties, or either of them, shall be recoverable with costs, before any justice, judge, or court having cognizance of the same.²⁵⁶

10. Rhode Island (1835)

Ordinances of the City of Providence, Fire-arms. An Ordinance in Relation to the Firing of Guns, Pistols and other Fire-arms. § 1. No person shall fire any gun, pistol, rifle or other fire-arm, in any street or lane, or on any public wharf, or on any public lands within said city, after sunrise and before sunset. § 2. Any person who shall violate any provision in the foregoing section contained, shall forfeit and pay the sum of not less than two dollars nor more than twenty dollars. § 3. No person shall open, keep, or maintain, or permit to be opened, kept, or maintained upon premises owned or occupied by him, within the distance of two hundred feet from any street, highway, gangway, or open way over which the inhabitants of this city pass or may freely pass, within the limits of the city, any pistol gallery, or room, or place for the purpose of testing or firing any pistol, rifle, musket, or other fire-arm, without using all such precautions against damage or accidents, as the city marshal may direct; and every person so transgressing shall forfeit and pay the sum of twenty dollars. § 4. Every person who shall open, keep, or maintain or permit to be opened, kept, or maintained, any place as aforesaid, after the city marshal shall have given directions as aforesaid, without using the prescribed precautions, shall for every three days during which he shall neglect to use such precautions, be deemed guilty of a violation of the third section of this ordinance and shall be fined accordingly.²⁵⁷

11. Georgia (1882)

. . . it shall be unlawful for any person between dark and daylight willfully and wantonly to fire off or discharge any loaded gun or pistol on any of the public highways in this State, and within fifty yards of any such public highway, except in defense of person or property or on his own premises.²⁵⁸

²⁵⁶ Ordinance of 1787; the Constitutions of Ohio and of the United States, and Various Public Instruments and Acts of Congress; Illustrated by a Preliminary Sketch of the History of Ohio; Numerous References and Notes and Copious Indexes Page 106, Image 107 (Vol. 1, 1833) available at The Making of Modern Law: Primary Sources.

²⁵⁷ The Charter and Ordinances of the City of Providence, with the Acts of the General Assembly Relating to the City Page 60, Image 61 (1835) available at The Making of Modern Law: Primary Sources.

²⁵⁸ 1882 Ga. Laws 131, An Act to Prevent the Discharge of Fire-arms on the Public Highways of this State and within Fifty Yards of the Same; to make such an act a Misdemeanor, and Prescribe a Punishment Therefor, § 1.

12. Rhode Island (1896)

Of Firearms and fire-works, § 1. Every person who shall discharge any rifle, gun, musket, blunderbuss, fowling-piece, pistol, air-gun, spring-gun or other contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles, in or across any road, street, square or lane shall be fined not less than three dollars nor more than twenty dollars. § 3. Every person, not being at the time under military duty, who shall discharge any rifle, gun, musket, blunderbuss, fowling-piece, pistol, air-gun, spring gun, or other small arms, or any contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles, except upon land owned or occupied by him or by permission of the owner or occupant of the land on or into which he may shoot, within the compact part of any town or city, or not being at the time on military duty, shall anywhere discharge any of such arms or contrivances on Sunday, shall be fined not exceeding twenty dollars. § 5. Every person who shall discharge any gun, rifle, musket or blunderbuss in any road, street, lane or tavern or other public house, after sun setting and before sun rising, shall be fined five dollars for the first offence and seven dollars for subsequent offense.²⁵⁹

XXIV. No Shooting on Holidays

1. Pennsylvania Colony (1774)

That if after the publication of this act any person or persons shall on any thirty-first day of December or first or second day of January in every year wantonly and without reasonable occasion discharge and fire off any hand-gun, pistol or other firearms, or shall cast, or fire any squibs, rockets or other fireworks within the inhabited parts of this province to the disturbance of any of His Majesty's subjects there inhabiting and being, every such person offending and being thereof convicted before any one justice of the peace of the county or mayor or other head officer or justice of peace of any city or town corporate where such offense shall be committed, either by confession of the party so offending or the oath or affirmation of one or more credible witness[es] (which oath or affirmation the said justice or other officer aforesaid is hereby empowered and required to administer) shall for every such offense forfeit for the use of the poor of the township or district where such offender lives the sum of ten shillings...²⁶⁰

2. Pennsylvania Colony – Pittsburgh city (1774)

Ordinances of the City of Pittsburgh, An Act to Suppress the Disorderly Practice of Firing Guns, etc on the times therein mentioned, § 1. That if after the publication of this act, any person or persons shall, on any thirty-first day of December, or first or second day of January, in every year, wantonly, and without reasonable occasion, discharge and fire off any hand-gun, pistol or other fire-arms, or shall cast, throw or fire any squibs, rockets or other fire-works, within the inhabited parts of this province, to the disturbance of any of his majesty's subjects there inhabiting and being, every such person so offending, and being thereof convicted before any one Justice of the Peace of the county, or Mayor or other head officer, a Justice of Peace of any city or town corporate where such offence shall be committed, either by confession of the party so offending, or the oath or affirmation of one or more credible witnesses (which oath or affirmation the said justice or other officer aforesaid is hereby empowered and required to administer) shall for every

²⁵⁹ General Laws of the State of Rhode Island and Providence Plantations to Which are Prefixed the Constitutions of the United States and of the State. Page 371-372, Image 387-388 (Providence, 1896) available at The Making of Modern Law: Primary Sources.

²⁶⁰ An Act to Suppress and Disorderly Practice of Firing Guns, &c., On the Times Therein Mentioned, 1774-1775 The Statutes at Large of Pennsylvania, Chapter DCCV, Section I. Available at <https://www.palrb.gov/Preservation/Statutes-at-Large/View-Document/17001799/1774/0/act/0705.pdf> (last accessed April 20, 2023).

such offence forfeit for the use of the poor of the township or district where such offender lives, the sum of ten shillings, to be levied by distress and sale of the offenders goods and chattels, by warrant, under the hand and seal of the Justice or other officer before whom such offenders shall be convicted, returning the overplus, if any, to the owner, the reasonable charge of distraining being first deducted; and for want of such distress, such offender shall be committed to prison for the space of five days, without bail or mainprize. § 2. That if any person or persons after the publication of this act, shall willingly permit or suffer, within the time aforesaid, any person or persons to discharge or fire off, at his or her house, any hand-gun, pistol, or other fire-arms, or to cast, throw or fire any squibs, rockets or other fire-works, as aforesaid, every person so as aforesaid offending, and being thereof convicted in manner aforesaid, shall for every such offense forfeit and pay, for the use aforesaid, the sum of twenty shillings, to be recovered in manner aforesaid.²⁶¹

3. New York (1785)

An Act of April 22, 1785, An Act to Prevent the Firing of Guns and Other Fire-Arms within this State, on certain days therein mentioned. Whereas great dangers have arisen, and mischief been done by the pernicious practice of firing guns, pistols, rockets, squibs, and other fire-works, on the eve of the last day of December, and first and second days of January: For prevention whereof for the future: Be it enacted by the People of the State of New York, represented in the Senate and Assembly, and it is hereby enacted by the authority of the same, that if any person or persons whomsoever, shall fire or discharge any gun, pistol, rocket, squib or other fire-work, within a quarter of a mile of any building, on the said eve or days before mentioned, every such person or persons so offending and being thereof convicted before any justice of the peace of the city or county where such offense shall be committed, either by the confession of the party or parties so offending, or the oath of any one credible witness, shall for every such offence, forfeit the sum of forty shillings, with costs of suit to be levied by distress and sale of the offenders goods and chattels, by warrant under the hand and seal of the said of the said justice before whom such conviction or convictions shall be had as aforesaid. . .²⁶²

4. New York (1867)

Immorality, § 3. No person shall fire or discharge any gun, pistol, rocket, squib, cracker, or other fire-work, within a quarter mile of any building, on the twenty-fifth day of December, on the last day of December, on the first day of January, or on the twenty-second day of February, in any year; nor on the fourth day of July, or such other day as shall at the time be celebrated as the anniversary of American independence, without the order of some officer of the militia, while in the course of military exercises: every person offending against these provisions, shall forfeit the sum of five dollars to be recovered by any person who

²⁶¹ By-Laws and Ordinances of the City of Pittsburgh, and the Acts of Assembly Relating Thereto; with Notes and References to Judicial Decisions Thereon, and an Appendix, Relating to Several Subjects Connected with the Laws and Police of the City Corporation Page 28-29, Image 30-31 (1828) available at The Making of Modern Law: Primary Sources. Also cited in Laws of the Commonwealth of Pennsylvania, from the Fourteenth Day of October, One Thousand Seven Hundred, to the Twentieth Day of March, One Thousand 293Eight Hundred and Ten Page 421-422, Image 480-481 (Vol. 1, 1810) available at The Making of Modern Law: Primary Sources.

²⁶² James Kent, Laws of the State of New-York Page 41-42, Image 44-45 (Vol. 1, 1802-1812) available at The Making of Modern Law: Primary Sources. Also cited in Richard Varick, Laws and Ordinances Ordained and Established by the Mayor, Aldermen and Commonalty of the City of New-York, in Common Council Convened; for the Good Rule and Government of the Inhabitants and Residents of the Said City Page 1, Image 57 (1793) available at The Making of Modern Law: Primary Sources.

will prosecute in the name of the overseers of the poor, with their consent and under their discretion, for the use of the poor.²⁶³

²⁶³ John Worth Edmonds Statutes at Large of the State of New York, Comprising the Revised Statutes, as They Existed on the 1st Day of January, 1867, and All the General Public Statutes Then in Force, with References to Judicial Decisions, and the Material Notes of the Revisers in Their Report to the Legislature. Containing the Constitution of the United States and the Constitution of the State; an Introduction; an Analysis of All the Statutes and Part First and Chapters 1,2,3 and 4, of Part Second of the Revised Statutes. Second Edition Vol. 1 Page 613, Image 653 (Albany, 1869) available at The Making of Modern Law: Primary Sources.

ALABAMA

GENERAL LAWS

(AND JOINT RESOLUTIONS)

OF THE

GENERAL ASSEMBLY OF ALABAMA,

PASSED AT THE

SESSION OF 1898-9,

HELD IN THE CAPITOL IN THE CITY OF MONTGOMERY
COMMENCING

TUESDAY, NOVEMBER 15, 1898.

JOSEPH F. JOHNSTON, Governor.
R. M. CUNNINGHAM, President of the Senate.
CHARLES E. WALLER, Speaker of the House.

I, ROBT P. McDAVID, Secretary of State of Alabama, do hereby certify
that this Volume is published by the authority of the State of Alabama, and
in accordance with Law.

ROBT P. McDAVID,
Secretary of State.

VANCE PRINTING CO.,
STATE PRINTERS FOR ALABAMA,
JACKSONVILLE, FLA.

No. S13)

AN ACT

(H.500)

To be entitled, "An act for the better protection of passengers on railway trains in this State."

Unlawful dis-
charge of
gun, etc

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person to discharge any gun, pistol, or other firearm, except in self defense, while on a passenger train in this State; or to recklessly handle any firearm or other weapon in the presence of any other person or persons on any train carrying passengers in this State.

Penalty

Sec. 2. Be it further enacted, That any person guilty of either of the offenses described in the first section of this act, shall, upon conviction, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not exceeding twelve months, one or both, at the discretion of the Court.

Approved February 23d, 1899.

No. S12)

AN ACT

(H. 399)

To be entitled, "An act to prevent persons from beating their way on railroad trains in this State."

Unlawful rid-
ing on trains

Section 1. Be it enacted by the General Assembly of Alabama, That any person other than a railway employee in the discharge of his duty, who, without authority from the conductor of the train, or by permission of the engineer, and with the intention of being transported free and without paying the usual fare for such transportation, rides or attempts to ride on the top of any car, coach, engine or tender, on any railroad in this State, or on the drawheads between cars, or under cars on truss rods or trucks, or in any freight car, or on a platform of any baggage car, express car, or mail car, on any train in this State shall be guilty of a misdemeanor.

ARKANSAS



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ART. IV—PROFANE CURSING AND SWEARING.

SECTION

1. Punishment of.
2. Before magistrate, summarily punished.

SECTION

3. Offender not paying penalty, to be committed.

SEC. 1. Every person who shall profanely swear or curse, shall forfeit one dollar for every offence; if the offence be committed in the presence and hearing of any justice of the peace, mayor, or city judge, while holding a court, the offender shall be forthwith fined by the magistrate, without any other proof whatever.

SEC. 2. If, at any time whatever, the offence of profane cursing or swearing be committed in the presence of any such justice, mayor, or city judge, such magistrate may, in his discretion, fine the offender in a summary manner, without further proof, in any sum, less than five dollars.

SEC. 3. If the offender do not forthwith pay the penalty incurred, with the cost, or give security for the payment of the same within six days, he shall be committed to jail, for every such offence, or any number of offences, whereof he was convicted, at the same time, for not less than one day, nor more than three days. *Rev. Stat., chap. 44, div. 7, art. 1.*

ART. V—SABBATH BREAKING.

SECTION

1. Punishment for laboring on the Sabbath, and compelling servants, etc., to labor.
2. Each apprentice, servant, etc., deemed a separate offence.
3. This act not to apply to steamboats and manufactories.
4. Other sects may observe a different Sabbath.
5. Slaves may labor for themselves.

SECTION

6. Selling goods, etc., on Sunday.
7. Charity or necessity will justify.
8. Horse racing and cock fighting on Sunday.
9. Playing cards on Sunday.
10. Hunting or shooting.
11. Parent or guardian of minor, fined if committing.

SEC. 1. Every person who shall, on the Sabbath or Sunday, be found laboring, or shall compel his apprentice, servant or slave, to labor or to perform other services than customary household duties, of daily necessity, comfort or charity, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined one dollar for each separate offence. (*unn*)

SEC. 2. Every apprentice, servant or slave, compelled to labor on Sunday, shall be deemed a separate offence of such master.

(*unn*) For form of warrant for laboring on the Sabbath, see FORMS No. 61.

SEC. 3. The provisions of this act shall not apply to steamboats, and other vessels navigating the waters of the State, nor to such manufacturing establishments as require to be kept in continual operation.

SEC. 4. Persons who are members of any religious society, who observe, as Sabbath, any other day of the week, than the Christian Sabbath or Sunday, shall not be subject to the penalties of this act, so that they observe one day in seven, agreeable to the observancy of their church or society.

SEC. 5. Persons owning slaves in this State, may permit such slaves to labor for themselves on Sunday, if such labor is done voluntarily by such slaves, and without the coercion of the master, and for the sole use of the slave.

SEC. 6. Every person who shall, on Sunday, keep open any store, or retail any goods, wares or merchandise, or keep open any dram shop or grocery, or sell or retail any spirits or wine, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in any sum, not less than ten dollars, nor more than twenty. (ooo)

SEC. 7. Charity or necessity, on the part of the customer, may be shown in justification of the violation of the last preceding section.

SEC. 8. Every person who shall, on the Christian Sabbath or Sunday, be engaged in any horse race, or the running of any single horse, for any bet or wager on the speed of such horse or horses, or for pastime, or for amusement, without any bet or wager; or shall be engaged in any cock fight, on any bet or wager, or for pastime, without bet or wager, shall be adjudged guilty of a misdemeanor, and, on conviction, shall be fined, in any sum, not exceeding one hundred dollars, nor less than twenty dollars. *Rev. Stat., chap. 44, div. 7, art. 2.*

SEC. 9. Every person who shall, on the Christian Sabbath or Sunday, be engaged in any game of brag, bluff, poker, seven up, three up, twenty-one, vington, thirteen cards, the odd trick, forty-five, whist, or at any other game at cards, known by any name now known to the laws, or with any other new name, for any bet or wager on such games, or for amusement, without any bet or wager, shall, on conviction thereof, be fined, in any sum, not less than twenty-five dollars, nor more than fifty dollars. (ppp) *Act of Jan. 12, 1853.*

SEC. 10. If any person shall be found hunting with a gun, with intent to kill game, or shooting for amusement on the Sabbath day, he shall be

(ooo) See *Shover vs. The State*, 5 Eng. 259; *Brittin vs. The State*, *Ib.* 299; *State vs. Parnell*, 16 Ark. 506.

(ppp) It is not necessary, in an indictment under this section, for playing cards on Sunday, to allege that the game was played for amusement, or that the defendant bet upon the game. *Stockden vs. The State*, 18 Ark. 186. For the State's attorney's fee, see *Bales vs. The State*, 19 *Ib.* 220.

deemed guilty of a misdemeanor, and, on presentment, indictment, and conviction thereof, shall be fined, in any sum, not less than five, nor more than twenty-five dollars, for each separate offence. *Act of Jan. 19, 1855, sec. 1.*

SEC. 11. If such offence should be committed by a minor, under the age of twenty-one years, and it shall be made appear that the offence was committed by or with the consent or approbation of the parent or guardian of said minor, then such parent or guardian, as aforesaid, shall also be fined, according to the provisions of section ten. *Ib. sec. 2. Act in force after March 1, 1855.*

ART. VI—DISTURBING RELIGIOUS CONGREGATIONS.

SECTION

- 1, 2. Punishment for disturbance.
3. Construction of sec. 2.
4. For injuring churches, camps, etc.
5. Selling liquor, etc., near camp-grounds or meetings.

SECTION

6. Not to include licensed tavern keepers or grocers.
7. Jurisdiction of justices of the peace.

SEC. 1. If any person shall maliciously or contemptuously disturb or disquiet any congregation, or private family, assembled in any church, or other place, for religious worship, by profanely swearing, or using indecent gestures, or threatening language, or committing any violence of any kind, to or upon any person, so assembled, the person so offending, upon conviction thereof, shall be adjudged guilty of a misdemeanor, and shall be fined, in any sum, not less than twenty dollars, nor more than fifty dollars. (*qqq*) *Rev. Stat., chap. 44, div. 7, art. 3, sec. 1.*

SEC. 2. If any person shall, maliciously or contemptuously, disturb any congregation, or private family, assembled in any church, or other place, for religious worship, or persons assembled for the transaction of church business, by using any language, or acting in any manner that is calculated to disquiet, insult, or interrupt said congregation, the person so offending shall be proceeded against, and fined, as prescribed by section one.

SEC. 3. This act shall be so construed as in aid of section one, to which it is an amendment, and not as a repeal thereof. *Act of Jan. 10, 1857.*

SEC. 4. If any person shall willfully and maliciously injure or destroy any church, meeting house, or camps on any camp-ground, used for public

(*qqq*) See *State vs. Ratliff*, 5 Eng. 530; *State vs. Minyard*, 7 Ib. 156; *Fletcher et al. vs. The State*, Ib. 169; *Stratton vs. The State*, 13 Ark. 688.

For form of warrant for disturbing religious congregations, see Forms No. 62.



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deemed guilty of a misdemeanor, and, on presentment, indictment, and conviction thereof, shall be fined, in any sum, not less than five, nor more than twenty-five dollars, for each separate offence. *Act of Jan. 19, 1855, sec. 1.*

SEC. 11. If such offence should be committed by a minor, under the age of twenty-one years, and it shall be made appear that the offence was committed by or with the consent or approbation of the parent or guardian of said minor, then such parent or guardian, as aforesaid, shall also be fined, according to the provisions of section ten. *Ib. sec. 2. Act in force after March 1, 1855.*

ART. VI—DISTURBING RELIGIOUS CONGREGATIONS.

SECTION

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3. Construction of sec. 2.
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5. Selling liquor, etc., near camp-grounds or meetings.

SECTION

6. Not to include licensed tavern keepers or grocers.
7. Jurisdiction of justices of the peace.

SEC. 1. If any person shall maliciously or contemptuously disturb or disquiet any congregation, or private family, assembled in any church, or other place, for religious worship, by profanely swearing, or using indecent gestures, or threatening language, or committing any violence of any kind, to or upon any person, so assembled, the person so offending, upon conviction thereof, shall be adjudged guilty of a misdemeanor, and shall be fined, in any sum, not less than twenty dollars, nor more than fifty dollars. (*qqq*) *Rev. Stat., chap. 44, div. 7, art. 3, sec. 1.*

SEC. 2. If any person shall, maliciously or contemptuously, disturb any congregation, or private family, assembled in any church, or other place, for religious worship, or persons assembled for the transaction of church business, by using any language, or acting in any manner that is calculated to disquiet, insult, or interrupt said congregation, the person so offending shall be proceeded against, and fined, as prescribed by section one.

SEC. 3. This act shall be so construed as in aid of section one, to which it is an amendment, and not as a repeal thereof. *Act of Jan. 10, 1857.*

SEC. 4. If any person shall willfully and maliciously injure or destroy any church, meeting house, or camps on any camp-ground, used for public

(*qqq*) See *State vs. Ratliff*, 5 Eng. 530; *State vs. Minyard*, 7 Ib. 156; *Fletcher et al. vs. The State*, Ib. 169; *Stratton vs. The State*, 13 Ark. 688.

For form of warrant for disturbing religious congregations, see Forms No. 62.

worship, or any furniture appertaining thereto, such person shall be deemed guilty of a misdemeanor, and, on conviction, in addition to the penalty prescribed in section one, the jury shall assess the damages sustained by any such religious congregation or society, and the court shall enter judgment against such offender, in favor of such congregation or society, for double the damages so found by the jury.

SEC. 5. If any person shall contemptuously offer for sale, any ardent, vinous or other drinks, within one mile of any camp-ground, during camp meeting, or within one mile of the place of meeting for religious worship, of any Christian denomination, the person so offending, upon conviction thereof, shall be adjudged guilty of a misdemeanor, and shall be fined, in any sum, not less than ten dollars.

SEC. 6. The prohibition in the preceding section shall not extend to any regularly licensed tavern keeper, or grocer, previously doing business within one mile of any such camp-ground.

SEC. 7. Any justice of the peace, within any county of this State, when any offence shall be committed against the provisions of this title, shall have jurisdiction of such case, to cause such offender to be brought before him, and, on investigating the charge, he shall discharge, bail, or commit, in default of bail, as the case may require. *Rev. Stat., chap. 44, div. 7, art. 3, secs. 2 to 5.*

ART. VII—VIOLATING THE GRAVE.

SECTION

1. Removing dead bodies from the grave.
2. Purchasing such bodies.
3. Opening graves.

SECTION

4. Punishment for such offences.
5. Not to extend to bodies of criminals.

SEC. 1. Every person who shall remove the dead body of any human being from the grave, or other place of interment, for the purpose of stealing the same, or for the purpose of dissection, or from mere wantonness, shall be deemed guilty of a misdemeanor. (*rrr*)

SEC. 2. Every person who shall purchase or receive the dead body of any human being, knowing the same to have been disinterred contrary to the provisions of this act, shall be deemed guilty of a misdemeanor.

SEC. 3. Every person who shall open a grave, or other place of interment, with the intent to remove the dead body of any human being, for the purpose of selling the same, or for the purpose of stealing the coffin, or any part thereof, or the vestments or other articles, interred with any dead body, shall be deemed guilty of a misdemeanor.

(*rrr*) For form of warrant for violating the grave, see FORMS No. 63.

CONNECTICUT



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," Connecticut - May Session - Public Acts : 11-11

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ine and enquire in said city whether the mode of building within the limits aforesaid be conformable to this act, and report all breaches thereof, to the attorney for the state in the county of New London that the same may be prosecuted.

SEC. 7. And this act shall be a public act *provided*, however, that it shall not take effect, or be in force, until the same shall have been accepted by the said city at a meeting of said city legally warned and holden for that purpose; and when so accepted it shall be in force, and the same may be altered, amended, or repealed at the pleasure of the General Assembly.

Proviso, as to acceptance of this act by said city.

Approved, June 22, 1847.

CHAPTER IX.

An Act relating to Cemeteries.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That every person, who shall wilfully and maliciously destroy, mutilate, deface or injure, or remove any tomb, monument or gravestone or other structure placed within any cemetery, grave yard or place of public burial, or any fence, railing or other work for the protection or ornament of any tomb, monument, grave stone or other structure aforesaid; or of any cemetery lot within any cemetery; or shall wilfully and maliciously destroy, remove, cut, break or injure any tree, shrub or plant within any cemetery, or shall discharge any gun or other fire-arm within said cemetery, shall upon conviction thereof be punished by a fine not exceeding one hundred dollars, or by imprisonment in a common gaol not exceeding six months, or by such fine and imprisonment both at the discretion of the Court having cognizance of the offence. *Provided*, that nothing contained in this act shall be construed so as to prevent the discharge of guns or other fire-arms by any military

Damages done to tombs, &c., to fences, trees, &c., discharge of fire arms, &c., how to be punished.

Proviso.

company, by order of any commissioned officer of such company while under arms and in the performance of funeral obsequies.

Approved, June 23, 1847.

CHAPTER X.

An Act in addition to an Act entitled "An Act to authorize the appointment of Commissioners to take the acknowledgment and proof of Deeds and Instruments under seal and depositions."

SEC. 1. Be it enacted by the Senate and House of Representatives in General Assembly convened, That all Commissioners hereafter appointed by the Governor of this State, in other States, or in the District of Columbia, to take the acknowledgment and proof of deeds and other instruments under seal, and depositions, shall be appointed and commissioned for the term of five years only.

SEC. 2. That the Commissions of all such Commissioners appointed before the passage of this act shall expire on the twentieth day of June, A. D. 1848, any law to the contrary notwithstanding, —and that the Secretary of this State be directed to transmit a copy of this act to each Commissioner, whose oath or affirmation has been filed in his office, in the course of the ensuing year.

Approved, June 11, 1847.

DELAWARE

PROCEEDINGS
OF THE
CONVENTION
OF THE
DELAWARE STATE
HELD AT
NEW-CASTLE
ON TUESDAY THE TWENTY-SEVENTH
OF AUGUST, 1776

75122

WILMINGTON,

Printed by JAMES ADAMS, M, DCC, LXXVI
Reprint by THE STAR PUBLISHING CO.—1927



g 2-18-30 Del. Pub. Archives Comm.

EXPLANATORY

The Public Archives Commission has deemed it desirable to have a reprint made of the Proceedings of the first Constitutional Convention held in the State of Delaware on the 27th day of August A. D. 1776.

The Convention, at its adjournment, ordered two hundred copies of the full proceedings printed and distributed among the members of the Convention. The original publication has become exceedingly scarce, less than half a dozen copies being now in existence, as far as known.

The copy from which this reprint was prepared is owned by Judge Richard S. Rodney of New Castle and due acknowledgment of his courtesy in the matter is herewith acknowledged.

HENRY C. CONRAD,
State Archivist.

Dover, Delaware,
October 7, 1927.

continue in Office until the first Day of October which will be in the Year One Thousand Seven Hundred and Seventy-seven; on which Day, and on the first Day of October in each Year forever after, the Legislative Council, Assembly, Sheriffs and Coroners, shall be chosen by Ballot in Manner directed by the several Laws of this State for regulating Elections of Members of Assembly and Sheriffs and Coroners; and the General Assembly shall meet on the twentieth Day of the same Month for the transacting the Business of the State; and if any of the said first and twentieth Days of October should be Sunday, then and in such Case the Elections shall be held and the General Assembly meet the next Day following.

28. To prevent any Violence or Force being used at the said Elections, no Persons shall come armed to any of them; and no Muster of the Militia shall be made on that Day, nor shall any Battalion or Company give in their Votes immediately succeeding each other, if any other Voter who offers to vote objects thereto, nor shall any Battalion or Company in the Pay of the Continent, or of this or any other State, be suffered to remain at the Time and Place of holding the said Elections, nor within one Mile of the said Places respectively for twenty-four Hours before the opening said Elections, nor within twenty-four Hours after the same are closed, so as in any Manner to impede the freely and conveniently carrying on the said Election: Provided always, that every Elector may in a peaceable and orderly Manner give in his Vote on the said Day of Election.

29. THERE shall be no Establishment of any one Religious Sect in this State in Preference to another; and no Clergyman or Preacher of the Gospel of any Denomination shall be capable of holding any Civil Office in this State, or of being a Member of either of the Branches of the Legislature while they continue in the Exercise of the Pastoral Function.

30. No Article of the Declaration of Rights and Fundamental Rules of this State, agreed to by this Convention, nor the first, second, fifth (except that Part thereof that relates to the Right of Suffrage) twenty-sixth and twenty-ninth Articles of this Constitution, ought ever to be violated on any Pretence whatever. No other Part of this Constitution shall be altered, changed or diminished, without the Consent of five Parts in



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1812 522 .

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," Delaware - Regular Session : 522-523

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CHAP.
CXCIV.

CHAPTER CXCIV.

1812.

An ACT to authorize Francis C. Hall, to remove and carry out from this State, into the State of Maryland, certain negro slaves therein mentioned.

PASSED AT DOVER, }
February 2, 1812. }

PRIVATE ACT.

CHAPTER CXCIV.

An ACT to prevent the discharging of fire-arms within the towns and villages, and other public places within this State, and for other purposes.

Firing guns,
&c within any
towns, &c. of
this State pro-
hibited.

SEC. 1. **B**E IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That from and after the first day of June next, if any person or persons shall presume to fire or discharge any gun, ordnance, musket, fowling-piece, fusee or pistol, within any of the towns or villages of this State, or within the limits thereof; or where the limits cannot be ascertained, within one quarter of a mile of the centre of such town or village, shall fire or discharge any gun, ordnance, musket, fowling piece, fusee or pistol, within or on any of the greens, streets, alleys or lanes of any of the towns and villages within this State, whereon any buildings are or shall be erected, or within one hundred yards of any mill-dam, over or across where any of the main public or State roads may go or pass; every person or persons so offending, shall be fined or punished as hereinafter directed.

Penalty on
firing guns,
&c.

SEC. 2. *And be it enacted by the authority aforesaid,* That if any free white person or persons, or the

child or children of any such person or persons, shall fire or discharge any gun, ordnance, musket, fowling-piece, fusee or pistol, within any, or at any of the places or limits aforesaid, every such person or persons, or the child or children of every such person or persons, shall forfeit and pay for every such offence, any sum, not exceeding five dollars, to be recovered from the person or persons, or from the parent of such child or children, before any justice of the peace of this State, on his own view, or on the oath or affirmation of any one or more credible witnesses, to be recovered as debts under forty shillings are recoverable by the laws of this State.

CHAP.
CXCIV.
1812.

SEC. 3. *And be it enacted by the authority aforesaid,* That if any free negro or mulatto, or the child or children of any such free negro or mulatto, or any manumitted negro or mulatto, or any servant or servants, slave or slaves, apprentice or apprentices, of any person or persons whatsoever, shall fire or discharge any gun, ordnance, musket, fusee, fowling-piece or pistol, within the limits herein before described, and be thereof convicted by the view of any one justice of the peace, or on the oath or affirmation of one or more credible witnesses, every person so offending, shall forfeit and pay any sum, not exceeding five dollars: *Provided nevertheless,* That in all and every case where the money is not immediately paid on such conviction, into the hands of the justice before whom such conviction is had, it shall and may be lawful, and the said justice is hereby directed and commanded to commit such person or persons to the jail of his county, there to remain, until the forfeitures and costs are paid.

SEC. 4. *And be it enacted by the authority aforesaid,* That all fines and forfeitures incurred under this law, shall be paid over for the use of the poor of the county where the offence shall have been committed.

This act not to extend to days of public rejoicing, &c. **SEC. 5.** *Provided nevertheless, and be it enacted by the authority aforesaid,* That nothing in this act shall extend, or be construed to prevent any such firing, on any day or days of public rejoicing, or where it is authorized by any law of this State, or where it shall be deemed by the justice before whom the information is lodged, that the necessity of the case required the same.

PASSED AT DOVER, }
February 4, 1812. }

CHAPTER CXCVI.

Chap. 96. c. 3 vol. p. 1236. **A SUPPLEMENT to an act, entitled, "An act to incorporate a bank in the borough of Wilmington, in this State."**

Original act revised and continued, till Sep. 1, 1822. **SEC. 1.** **BE IT ENACTED** *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the said act entitled, "An act to incorporate a bank in the borough of Wilmington, in this State;" passed on the ninth day of February, in the year of our Lord, one thousand seven hundred and ninety-six; and every section and clause thereof, excepting so much thereof, as may by this act be altered, supplied or amended, shall remain, continue and be in full force and effect until the first day of September, in the year of our Lord, one thousand eight hundred and twenty-two.

Forging, &c. now punished. **SEC. 2.** *And be it further enacted,* That if any person shall counterfeit the common seal of the president, directors and company of the Bank of Delaware, incorporated by the aforesaid act, or shall forge any bank-bill or note, for the payment of money made or given out, or to be made or given out by, or for the said president, directors and company, or purporting so to be, or shall utter, vend,

FLORIDA



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," Florida - 7th Regular Session : 93-93

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any railroad company or other common carrier, to prevent the violation of any such rate or schedule, and to compel any such railroad or common carrier to observe and put and keep in operation the same; and in case any issue shall arise upon the trial of any suit wherein such an injunction may be applied for as shall entitle either of the parties to a jury to try the same, then it shall be the duty of the Judge upon the application for an injunction coming on to be heard, or being noticed for a hearing to cause a sufficient number of jurors to be drawn from the jury box in his presence in the manner now prescribed by law, and to be subpoenaed to attend the hearing; Provided, however, That any party desiring a jury hereunder shall file his demands for the same in writing at or before the hearing shall be entered upon, or shall be deemed to have waived a jury. Such jury shall be drawn and trial take place in the county where the cause is pending.

Judge to cause jurors to be drawn.

Proviso.

Sec. 25. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 26. This act shall go into effect immediately upon its passage and approval by the Governor.

Approved June 3, 1899.

CHAPTER 4701—[NO. 40.]

AN ACT for the Better Protection of Passengers on Railway Trains in the State of Florida.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That it shall be unlawful for any person to discharge any gun, pistol, or other fire-arm, except in self defense, while on any passenger train in this State; or to recklessly handle any fire-arm or other weapon in the presence of any other person or persons on any train carrying passengers in this State.

Sec. 2. Be it further enacted, That any person guilty of either of the offenses described in the first section of this act shall upon conviction be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not exceeding six months, one or both at the discretion of the Court.

Penalty

Approved May 29, 1899.

GEORGIA



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," Georgia - Biennial Session : 3-328

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by them appropriated to the objects contemplated in this act.

CHARLES J. JENKINS,
Speaker of the House of Representatives.

ANDREW J. MILLER,
President of the Senate.

Approved, December 24, 1847.

GEORGE W. TOWNS, *Governor.*

AN ACT to incorporate the Evergreen Cemetery Company of Bonaventure.

WHEREAS Peter Wiltberger, a citizen of Savannah, in the county of Chatham and State of Georgia, is seized in fee of a tract of land in the said county, three miles distant from the city of Savannah, known as Bonaventure, a certain portion of which, seventy acres in extent, he has caused to be surveyed and designated by marks and boundaries, and enclosed by substantial fencing, and otherwise improved and ornamented; and has so set apart, designated and enclosed the same for the purpose of establishing a decent and suitable place for the burial of the dead; and in order to secure at all future times the reverent application of the same to that solemn purpose alone, is desirous that he, with certain others hereinafter designated and described, shall be associated by an act of incorporation for the purposes aforesaid: and whereas it is necessary and becoming that such provision should be made by law as shall ensure continued protection from sacrilegious disturbance to the remains of friends and relatives who may be there committed to the earth:

SECTION 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That Peter Wiltberger, Josiah Tatnall, John Stoddard, Richard D. Arnold, William Duncan, Robert Habersham, Joseph S. Fay, William H. Mongin, William B. Hodgson, P. M. Kollock, Charles Green, C. P. Richardstone, Anthony Porter, Jacob Waldborg, Henry Roser, Alexander A. Smets, and all others who hereafter may become owners or proprietors of the lots or sub-divisions made in the said tract of seventy acres described in the preamble to this act, be and they are hereby created and constituted a corporation under the name and style of "The Evergreen Cemetery Company of Bonaventure," and by that name shall have perpetual succession of officers and members, and be capable in law and equity*

in all Courts of record and elsewhere to sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended—and may have and use a common seal, with power to break, alter or make anew the same at pleasure; and may make, ordain, and establish all such by-laws, rules, ordinances and regulations, not repugnant to the Constitution and laws of the United States and the State of Georgia, as may be expedient to carry into effect the objects of this act, and shall be clothed with all powers incident to such a corporation.

SEC. 2. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the said Evergreen Cemetery Company shall be able and capable in law to receive at any time hereafter from the said Peter Wiltberger, a grant and feoffment of the said tract of land, seventy acres in extent, described in the preamble to this act, and to hold the same in fee simple upon the trusts and for the uses contemplated and indicated by this act, namely, for the purpose of a public Cemetery, and for no other uses or purposes whatsoever; and also, to grant, bargain, sell and dispose of, for the same uses, the lots or subdivisions which may be made in the same; and also to have and to hold so much personal estate as may be necessary for the purposes of this incorporation.

SEC. 3. *And be it further enacted by the authority aforesaid,* That the seven persons first named in the first section of this act be and they are hereby appointed managers of the said Evergreen Cemetery Company, and shall continue in office until their successors shall be elected; and that they and their successors shall have exclusive superintendence of the said Cemetery and the property and appertences belonging to the same; and shall have power to lay out and ornament the grounds, to erect suitable buildings, to arrange and dispose of burial lots, and to make all necessary by-laws, rules and regulations relative to the election and duties of managers and their successors, the appointment of suitable officers and agents and their several duties and compensations, the employment of workmen, the government of lot-holders and visitors to the Cemetery, and all such other matters as may be necessary and proper in the premises.

SEC. 4. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the said corporation hereby created, and the said tract of seventy acres above described, and all the improvements now made or hereafter to be made upon the same for the purposes aforesaid by the said corporation, shall be free from all State and county taxes and assessments so long as the said tract of land shall remain dedicated to the uses of a Cemetery, and that the real and personal estate of the said corporation and the said burial lots, when conveyed to individual proprietors,

for the purposes aforesaid, shall not be subject to the lien of any judgment, or liable to be levied on or sold under any execution, or to be applied to the payment of any debts by assignment under any bankrupt or insolvent law.

SEC. 5. *And be it further enacted by the authority aforesaid,* That any person who shall wilfully or wantonly destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, or other structure placed in the Cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of the same, or of any burial-lot within the limits aforesaid, or shall wilfully or wantonly destroy, remove, cut, break or injure any tree, shrub or plant within the limits aforesaid, or shall shoot or discharge any gun or other fire-arms within the limits aforesaid, shall be deemed guilty of a misdemeanor, and liable to indictment therefore, and upon conviction shall be punished by a fine not less than five dollars or more than one hundred dollars, or by imprisonment in the common jail of Chatham county, or both, at the discretion of the Court, according to the nature and aggravation of the offence; and such offender shall also be liable in an action of trespass, to be brought against him in any Court of competent jurisdiction, in the name of the Evergreen Cemetery Company of Bonaventure, to pay all such damages as shall have been occasioned by his unlawful act or acts; which money when recovered shall be applied by the said corporation, under the direction of the managers aforesaid, to the reparation and restoration of the property destroyed or injured as above; and in all such suits, members of the said corporation shall be competent witnesses.

SEC. 6. *And be it further enacted by the authority aforesaid,* That no street or road shall be hereafter opened through the lands of the said corporation, except by their consent.

CHARLES J. JENKINS,
Speaker of the House of Representatives.

ANDREW J. MILLER,
President of the Senate.

Approved, December 27, 1847.

GEORGE W. TOWNS, *Governor*

AN ACT to incorporate the town of Blairsville in the county of Union.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That the inhabitants of the town of Blairsville may, on the first Friday



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ALWD 7th ed.

Flesh, Augustus. Public Ls, Passed by the General Assembly of the State of Georgia, at the Session of 1870, with an Appendix (1870).

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Carrying Deadly Weapons—Seal for Comptroller General's Office.

[No. 34.—O. 92.]

AN ACT to preserve the peace and harmony of the people of this State, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly convened,* That from and immediately after the passage of this Act, no person in said State of Georgia be permitted or allowed to carry about his or her person any dirk, Bowie-knife, pistol or revolver or any kind of deadly weapon to any court of justice or any election ground or precinct, or any place of public worship, or any other public gathering in this State, except militia muster grounds.

Carrying of deadly weapons in attending Courts, Elections, &c., prohibited.

Exception.

Violation a misdemeanor.

Penalty.

SEC. 2. *Be it further enacted,* That if any person or persons shall violate any portion of the above recited section of this Act, he, she or they shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty nor more than fifty dollars for each and every such offense, or imprisonment in the common jail of the county, not less than ten nor more than twenty days, or both, at the discretion of the court.

SEC. 3. All laws and parts of laws militating against this Act are hereby repealed.

Approved October 18, 1870.

[No. 35.—O. 93.]

AN ACT to authorize the Comptroller General of this State to procure an official seal, and to establish the same.

SECTION 1. *The General Assembly of the State of Georgia do enact,* That the Comptroller General of this State be, and he is hereby, authorized to procure an official seal, bearing the following description and device, to-wit: It shall be circular in form, one and a half inch in diameter, made of brass, with a human hand holding a pen in the attitude of writing, in the center, surrounded by the words, "Comptroller General's Office, State of Georgia;" and that the same when procured be, and it is hereby, established as the official seal of the Comptroller General's office of this State.

Comptroller General authorized to procure an Official Seal.

Description of Seal.

Executive warrant to pay for said Seal.

SEC. 2. *Be it further enacted,* That the Governor be, and he is hereby, authorized to draw his warrant on the Treasurer, to be paid out of any money in the Treasury not otherwise appropriated, for such reasonable amount as may be deemed necessary by him to pay for such official seal, such sum not to exceed twenty-five dollars.



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1882-1883 131 .

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Giving to Owners or Keepers of Stallions, Jacks and Bulls a Lien on the get of the same.—Etc.

GIVING TO THE OWNERS OR KEEPERS OF STALLIONS, JACKS AND BULLS A LIEN ON THE GET OF THE SAME.

No. 352.

An Act giving to owners or keepers of stallions, jacks and bulls a lien upon the get of such stallion, jack or bull, and providing for the enforcement thereof.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* Lien of owners or keepers good for twelve months on said "gets" from birth of same That from and after the passage of this Act, the owner or keeper of any stallion, jack or blooded or imported bull in this State shall have a lien upon the get thereof for the service of such stallion, jack or blooded or imported bull for the period of one year from the birth of such get, which lien shall be superior to all other liens, except liens for taxes; *provided,* the fee for such service is not paid within said time; *provided,* the lien herein provided for shall not become operative unless the same be recorded in the office of the clerk of the superior court of the county wherein the owner of the mother resides within thirty days after the performance of the service, and said clerks shall keep a book in which all such liens are to be recorded, and said clerks shall receive twenty-five cents each for recording such liens.

SEC. II. *Be it further enacted,* That the liens provided for in the preceding section shall be enforced in the manner prescribed in section 1991 of the Code of 1882 of this State, providing for the enforcement of liens on personal property. Liens, how enforced.

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

Approved September 26, 1883.

TO PREVENT DISCHARGE OF FIRE-ARMS ON AND NEAR PUBLIC HIGHWAYS.

No. 378.

An Act to prevent the discharge of fire-arms on the public highways of this State and within fifty yards of the same; to make such an act a misdemeanor, and prescribe a punishment therefor.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, it shall be unlawful for any person between dark and daylight willfully and wantonly to fire off or discharge any loaded gun or pistol on any of the public highways in this State, and within fifty yards of any such public highway, except in defense of person or property or on his own premises. Discharge of fire-arms when and where unlawful.

Breaking and Entering Railroad Car.—To Provide by Insurance against Loss of Certain Books by Fire.

How punished.

SEC. II. *Be it further enacted by the authority aforesaid,* That any person who violates the provisions of this Act shall be guilty of a misdemeanor and shall be punished as is prescribed in section 4310 of the Code of Georgia as other misdemeanors are punished.

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

Approved September 27, 1883.

TO MAKE THE BREAKING AND ENTERING A RAILROAD CAR WITH INTENT TO STEAL OR STEALING THEREFROM A FELONY, AND TO PRESCRIBE A PENALTY.

No. 382.

An Act to make the breaking and entering a railroad car with intent to steal or stealing therefrom a felony, and prescribe a penalty therefor.

Breaking and entering railroad car with intent to steal, or stealing therefrom made a felony.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, any person who shall break and enter any railroad car with intent to steal any goods, wares, freight, or other thing of value being therein, or who shall, after breaking, steal therefrom any goods, freight, or other thing of value being therein, shall be guilty of a felony, and, upon conviction thereof, be punished by confinement in the penitentiary of the State for a term not less than one nor more than five years.

How punished.

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

Approved September 27, 1883.

TO PROVIDE BY INSURANCE AGAINST LOSS OF CERTAIN BOOKS BY FIRE.

No. 387.

An Act to provide against loss by fire of certain books, the property of the State, in the hands of certain county officers in the different counties of this State, and to provide for the payment of premium and collection of any losses that may be sustained.

Financial agent of each county shall insure the Public Laws and Reports of Supreme Court.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,* That from and after the passage of this Act, it shall be the duty of the officer or officers having charge of the financial affairs of each county of this State to keep insured at a fair valuation against loss by fire all



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Offenses against the public morality, health, police, etc.

§4576. (4491.) *Vending near camp grounds.* [It shall not be lawful for any person to vend or expose to sale, during the period of divine worship, within one mile of the place of worship, in any camp ground in this State, any article, commodity, or thing whatever, without the written consent of a majority of the trustees, commissioners, or owners of such camp ground, under penalty of being indicted, and, on conviction, shall be punished as prescribed in section 4576 of this Code.] (b.)

(b) Acts of 1863-
'64, p. 64.

§4577. *Police at places of worship, how appointed.* [It shall be lawful for the Justices of the Peace in each militia district in this State, in which is situated an incorporated church or camp ground, upon application in writing, signed by the trustees or members of the corporation of such church or camp ground, or other incorporate place of divine worship, to appoint three or more suitable persons to act as a police for such place of public worship, whose duty it shall be to apprehend all persons disturbing the congregation assembled at such place or places for religious worship, or otherwise violating the laws of this State, and immediately carry such person or persons so offending before the nearest Justice of the Peace, who shall issue a warrant for said person or persons, and proceed to take examination in such cases in manner prescribed by law.] (a.)

(a) Acts of 1871-
'72, p. 73.

§4578. (4492.) *Running freight trains on Sabbath day.* If any freight train shall be run on any railroad in this State on the Sabbath day (known as Sunday,) the superintendent of transportation of such railroad company, or the officer having charge of the business of that department of the railroad, shall be liable for indictment for a misdemeanor in each county through which such train shall pass, and, on conviction, shall be for each offense [punished as prescribed in section 4310 of this Code.] (a.) On such trial it shall not be necessary to allege or prove the names of any of the employees engaged on such train, but the simple fact of the train being run. The defendant may justify himself by proof that such employees acted in direct violation of the orders and rules of the defendant: [Provided always, that whenever any train on any railroad in this State, having in such train one or more cars loaded with live stock, which train shall be delayed beyond schedule time, shall not be required to lay over on the line of road or route during Sunday, but may run on to the point where, by due course of shipment or consignment the next stock pen on the route may be, where said animals may be fed and watered, according to the facilities usually afforded for such transportation.] (a.)

(a) Acts of 1865-
'66, p. 233.

(a) Act of 20th
Feb., 1873.

§4579. (4493.) *Violating Sabbath.* Any tradesman, artificer, workman or laborer, or other person whatever, who shall pursue their business or work of their ordinary callings upon the Lord's day (works of necessity or charity only excepted,) shall be guilty of a misdemeanor, and, on conviction shall be [punished as prescribed in section 4310 of this Code.] (a.)

Act of 1762, C.
p. 853.

(a) Acts of 1865-
'66, p. 233.

Statute cited: 12 Ga., 95; 29 Ga., 528. Note made on Sunday void: *Id.*; 41 Ga., 449. The Christian Sabbath is a civil institution older than our government, and respected as a day of rest by our Constitution, and the regulation of its observance as a civil institution is within the power of the Legislature as much as any regulations and laws having for their object the preservation of good morals and the peace and good order of society. Municipal corporations may punish for keeping open doors by dealers: 44 Ga., 205. The promissor cannot defend by setting forth the illegality of the contract: 44 Ga., 531.

§4580. *Hunting on Sunday—penalty.* [Any person or persons who shall hunt any kind of game with gun or dogs, or both, on the Sabbath day, shall be guilty of a misdemeanor, and, on conviction, shall be punished as prescribed in section 4310 of this Code.] (a.)

(a) Act of 20th
Feb., 1873.



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GIVING TO THE OWNERS OR KEEPERS OF STALLIONS, JACKS AND BULLS A LIEN ON THE GET OF THE SAME.

No. 352.

An Act giving to owners or keepers of stallions, jacks and bulls a lien upon the get of such stallion, jack or bull, and providing for the enforcement thereof.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* Lien of owners or keepers good for twelve months on said "gets" from birth of same That from and after the passage of this Act, the owner or keeper of any stallion, jack or blooded or imported bull in this State shall have a lien upon the get thereof for the service of such stallion, jack or blooded or imported bull for the period of one year from the birth of such get, which lien shall be superior to all other liens, except liens for taxes; *provided,* the fee for such service is not paid within said time; *provided,* the lien herein provided for shall not become operative unless the same be recorded in the office of the clerk of the superior court of the county wherein the owner of the mother resides within thirty days after the performance of the service, and said clerks shall keep a book in which all such liens are to be recorded, and said clerks shall receive twenty-five cents each for recording such liens.

SEC. II. *Be it further enacted,* Liens, how enforced. That the liens provided for in the preceding section shall be enforced in the manner prescribed in section 1991 of the Code of 1882 of this State, providing for the enforcement of liens on personal property.

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

Approved September 26, 1883.

TO PREVENT DISCHARGE OF FIRE-ARMS ON AND NEAR PUBLIC HIGHWAYS.

No. 378.

An Act to prevent the discharge of fire-arms on the public highways of this State and within fifty yards of the same; to make such an act a misdemeanor, and prescribe a punishment therefor.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* Discharge of fire-arms when and where unlawful. That from and after the passage of this Act, it shall be unlawful for any person between dark and daylight willfully and wantonly to fire off or discharge any loaded gun or pistol on any of the public highways in this State, and within fifty yards of any such public highway, except in defense of person or property or on his own premises.

Breaking and Entering Railroad Car.—To Provide by Insurance against Loss of Certain Books by Fire.

How punished.

SEC. II. *Be it further enacted by the authority aforesaid,* That any person who violates the provisions of this Act shall be guilty of a misdemeanor and shall be punished as is prescribed in section 4310 of the Code of Georgia as other misdemeanors are punished.

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

Approved September 27, 1883.

TO MAKE THE BREAKING AND ENTERING A RAILROAD CAR WITH INTENT TO STEAL OR STEALING THEREFROM A FELONY, AND TO PRESCRIBE A PENALTY.

No. 382.

An Act to make the breaking and entering a railroad car with intent to steal or stealing therefrom a felony, and prescribe a penalty therefor.

Breaking and entering railroad car with intent to steal, or stealing therefrom made a felony.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, any person who shall break and enter any railroad car with intent to steal any goods, wares, freight, or other thing of value being therein, or who shall, after breaking, steal therefrom any goods, freight, or other thing of value being therein, shall be guilty of a felony, and, upon conviction thereof, be punished by confinement in the penitentiary of the State for a term not less than one nor more than five years.

How punished.

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

Approved September 27, 1883.

TO PROVIDE BY INSURANCE AGAINST LOSS OF CERTAIN BOOKS BY FIRE.

No. 387.

An Act to provide against loss by fire of certain books, the property of the State, in the hands of certain county officers in the different counties of this State, and to provide for the payment of premium and collection of any losses that may be sustained.

Financial agent of each county shall insure the Public Laws and Reports of Supreme Court.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,* That from and after the passage of this Act, it shall be the duty of the officer or officers having charge of the financial affairs of each county of this State to keep insured at a fair valuation against loss by fire all

Acts and Resolutions
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF GEORGIA

1897

COMPILED AND PUBLISHED BY AUTHORITY



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1898.

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Shooting on Excursion Trains or at Picnics Prohibited.

time other than the first Wednesday in October, and the Tuesday next after the first Monday in November, as specified in section four of this Act, the provisions of this Act shall apply in all respects, except that section four of this Act shall apply only to the general elections named therein.

Except further, that any person who has registered for any general election specified in section four of this Act shall, if otherwise qualified to vote at any election occurring before the next said general elections, be listed as hereinafter provided by the registrars named in said Act, and entitled to vote at such intermediate or general election; and except that fifteen days before any intermediate or special election, the said tax-collector shall file with the county registrars named in said Act an accurate and complete list of all names signed in said voters' books since January first of that year, and not before filed with said registrars, said lists to be made out and arranged as provided in section five of this act; and except that in preparing the list of voters for said intermediate or special elections the said registrars shall have reference to the lists prepared by them for the last preceding election and the list furnished to them by the said tax-collector as prescribed above, which said lists shall, by said registrars, be purged as prescribed in section eight of said Act of the names of all persons who at the time of said intermediate or special election may not be qualified to vote under the laws of this State.

This Act
takes effect
when.

Repealing
clause.

Sec. 2. Be it further enacted, That this Act shall not go into effect until thirty days after its approval by the Governor.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved December 20, 1897.

Note.—See Code, Vol. 1, sections 35, 37 and 38.

SHOOTING ON EXCURSION TRAINS OR AT PICNICS PROHIBITED.

No. 282.

An Act to make it unlawful for any person to fire any pistol, gun or other firearm on any excursion train or at any picnic, except in his or her defense, and to prescribe a penalty for violating same, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act it shall be unlawful

Fees of Constable for Carrying Prisoners to Jail.

for any person to fire any pistol, gun or other firearm on any excursion train, or at any picnic, except in his or her defense.

Sec. 2. Be it further enacted, That any violation of this Act shall be a misdemeanor, and upon conviction shall be punished as prescribed in section 1039 of the Criminal Code of Georgia of 1895.

Shooting on excursion trains or at picnics prohibited.

Penalty.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Repealing clause.

Approved December 21, 1897.

FEES OF CONSTABLES FOR CARRYING PRISONERS TO JAIL.

No. 286.

An Act to provide for the payment of services of all constables in this State, in conducting all prisoners committed to common jail in any county from the place of commitment court to the common jail, to prescribe the fees as mileage of such constables and the manner of payment of same by the county authorities respectively having charge of the finances of any county in this State.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act the constables of this State shall be entitled to a fee of fifteen cents per mile, by the most direct route from the place of commitment court to the common jail of any county in this State, for each prisoner committed to jail and delivered to such constable to be delivered to the jailer of any county aforesaid, and when such delivery is made such constable shall make out his bill, charging only for coming to said jail, and swear to the same, and when approved by the ordinary, commissioners of roads and revenues or county judge having charge of the finances of such county, as the case may be, the same shall be paid by the county treasurer of said county.

Fees of constables for carrying prisoners to jail. 15 cents per mile.

How paid.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Repealing clause.

Approved December 16, 1897.



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Shooting on Excursion Trains or at Picnics Prohibited.

time other than the first Wednesday in October, and the Tuesday next after the first Monday in November, as specified in section four of this Act, the provisions of this Act shall apply in all respects, except that section four of this Act shall apply only to the general elections named therein.

Except further, that any person who has registered for any general election specified in section four of this Act shall, if otherwise qualified to vote at any election occurring before the next said general elections, be listed as hereinafter provided by the registrars named in said Act, and entitled to vote at such intermediate or general election; and except that fifteen days before any intermediate or special election, the said tax-collector shall file with the county registrars named in said Act an accurate and complete list of all names signed in said voters' books since January first of that year, and not before filed with said registrars, said lists to be made out and arranged as provided in section five of this act; and except that in preparing the list of voters for said intermediate or special elections the said registrars shall have reference to the lists prepared by them for the last preceding election and the list furnished to them by the said tax-collector as prescribed above, which said lists shall, by said registrars, be purged as prescribed in section eight of said Act of the names of all persons who at the time of said intermediate or special election may not be qualified to vote under the laws of this State.

This Act
takes effect
when.

Repealing
clause.

Sec. 2. Be it further enacted, That this Act shall not go into effect until thirty days after its approval by the Governor.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved December 20, 1897.

Note.—See Code, Vol. 1, sections 35, 37 and 38.

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Section 1. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act it shall be unlawful

Fees of Constable for Carrying Prisoners to Jail.

for any person to fire any pistol, gun or other firearm on any excursion train, or at any picnic, except in his or her defense. Shooting on excursion trains or at picnics prohibited.

Sec. 2. Be it further enacted, That any violation of this Act shall be a misdemeanor, and upon conviction shall be punished as prescribed in section 1039 of the Criminal Code of Georgia of 1895. Penalty.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 21, 1897.

FEES OF CONSTABLES FOR CARRYING PRISONERS TO JAIL.

No. 286.

An Act to provide for the payment of services of all constables in this State, in conducting all prisoners committed to common jail in any county from the place of commitment court to the common jail, to prescribe the fees as mileage of such constables and the manner of payment of same by the county authorities respectively having charge of the finances of any county in this State.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act the constables of this State shall be entitled to a fee of fifteen cents per mile, by the most direct route from the place of commitment court to the common jail of any county in this State, for each prisoner committed to jail and delivered to such constable to be delivered to the jailer of any county aforesaid, and when such delivery is made such constable shall make out his bill, charging only for coming to said jail, and swear to the same, and when approved by the ordinary, commissioners of roads and revenues or county judge having charge of the finances of such county, as the case may be, the same shall be paid by the county treasurer of said county. Fees of constables for carrying prisoners to jail. 15 cents per mile. How paid.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 16, 1897.

ILLINOIS



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- Transfer of lots.** said corporation may, by its by-laws, provide; and the owners of such lots may transfer the same, in manner and form in the said by-laws to be from time to time provided. No person shall hold more than two lots.
- Penalty.** § 10. That if any person or persons shall at any time trespass upon the said lands so as aforesaid acquired by said corporation or upon any lot or lots so as aforesaid sold and transferred to any individual, such trespasser or trespassers shall, upon conviction, be adjudged to pay to the said corporation or to said individual, as the case may be, three fold the amount of the damage done by such trespasser or trespassers, which damage shall be ascertained by the verdict of a jury, and shall, moreover, be liable to a public prosecution, according to the nature of the offense; and all fines and penalties by law incurred for any violation of the law whatever or in relation to the said lands and lots shall, when collected, be paid into the treasury of said corporation.
- Do wages.**
- Funds.** § 11. The funds of said corporation, arising from the sale of lots in said cemetery or from any other source, shall be applied, after all debts of said corporation shall have been fully paid, to enclosing, ornamenting, improving and beautifying said cemetery grounds, in such manner as the board of directors shall order.
- § 12. This act shall be taken and held to be a public act, and shall be favorably construed in all courts and places for the objects herein contemplated, and shall take effect and be in force from and after its passage.
- APPROVED Feb. 6, 1855.

In force Feb. 14,
1855.

AN ACT to incorporate the Springdale Cemetery Association.

- Corporators.** SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Thomas Baldwin, Harvey Lightner, William A. Hall and Onslow Peters and their associates, successors and assigns be and they hereby are created a body corporate and politic, under the name and style of "The Springdale Cemetery Association," and by that name shall have perpetual succession, and be and they hereby are made capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended in any court of law or equity in this state or elsewhere; to have and use a common seal, and the same to renew and alter at pleasure; to contract or be contracted with; to take and hold land in fee simple and personal
- Style.**
- General powers.**

property, and to sell, dispose of and convey the same; and shall be and are hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth, and to do all such other acts and things as are incident to a corporation and not in conflict with the constitution and laws of this state or of the United States.

§ 2. The affairs of the corporation shall be managed by a board of directors, consisting of not less than three nor more than five persons, and who shall be members of the corporation and be elected annually, by ballot, and hold their offices until their successors shall be elected and qualified. The annual election shall be on the first Saturday of January in each year, but the corporation may, by its by-laws, fix any other time for the annual election. The first election of directors may be had at any time after the passage of this act, on six days' notice, in writing, being given to each of the members of the corporation of the time and place of meeting. Said notice may be given by any two of the persons abovenamed, and the directors so elected shall hold their offices until the next annual election and until their successors shall be elected and qualified.

§ 3. The corporation may, by its by-laws, provide for other officers of the corporation and prescribe the manner of their election or appointment and define their term of office and duties.

§ 4. The board of directors shall appoint a president of the board, who shall also be president of the corporation; and the board shall also appoint a secretary and treasurer, who shall hold their respective offices for one year and until their successors shall be appointed and qualified. The several officers herein named shall perform the duties usually implied by such offices and such as shall be prescribed by the by-laws of the corporation. The treasurer shall give bond to the president of the corporation and his successors in office in such sum as shall be fixed by the by-laws, conditioned for the faithful performance of his duties, and with such other conditions as shall be prescribed by the by-laws. The corporation may also require by its by-laws any other of its officers to give bond, in such sum and with such conditions as shall be necessary to protect the rights of the corporation and of individuals; and upon the breach of the condition of either of such bonds the president for the time being may bring suit thereon in any court having jurisdiction and prosecute the same to final judgment and execution. In case of a vacancy occurring in the board of directors between the times of the annual meetings the remaining members of the board shall have power to fill such vacancy until the next election of directors by the appointment of some suitable person, a member of the corporation, to fill the vacancy. A ma-

Board of directors

First election.

Term of office.

President.

Secretary.

Term of office.

Give bond.

By-laws.

Vacancies filled.

majority of the board of directors shall constitute a quorum for the transaction of business, unless the corporation shall otherwise provide by its by laws.

Real estate.

§ 5. The corporation shall have power to take and hold by purchase, gift, grant, devise or otherwise any quantity of land in the county of Peoria, not exceeding three hundred acres, for the sole purpose of a cemetery and the interment of the dead; and when the corporation shall have acquired such land and the title thereto shall have vested in it or in trustees for its use and benefit for cemetery purposes, as contemplated by this act, the same shall be forever thereafter exempt from all assessments and taxation and from seizure and sale on execution or by any order or decree of any court and from any appropriation of the same or any part thereof for public uses or purposes; and the burial lots into which the land may be divided shall also be exempt from all assessments, taxation and seizure or sale upon execution or by any order or decree of any court and from any appropriation to public purposes, whether the said lots shall be held and owned by the said corporation or its

Exempt from taxation and assessment.

Not to be used for any other than cemetery purposes.

Proviso.

grantees or assigns. The corporation shall have no power to sell, alienate or in any way convey or appropriate the said land for any other than cemetery purposes, nor shall owners of lots have power to alienate, convey or in any way appropriate any of the lots on said land for any other use or purpose than for the interment of the dead: *Provided, however,* that the corporation may mortgage or convey in trust any part of said land which shall not be laid out in lots for the purpose of raising and securing money to pay the expenses of laying out, fencing and improving said land and fitting it for cemetery purposes and to defray the expenses of the association; but no lots on the part of the land so mortgaged or conveyed in trust shall be sold and conveyed by the corporation until the mortgage or trust deed shall be, as to such lots, discharged, so as to be no incumbrance on such lots.

Conveyance, how made.

§ 6. The conveyance of lots from the corporation to individuals may be by a deed of the president, under his hand and the seal of the corporation, or such sale may be evidenced by certificate, signed by the president and countersigned by the secretary, under the seal of the corporation, specifying that such person is the owner of the lot; and such certificate shall vest in the proprietor, his heirs or assigns, a fee simple in such lot, but for the sole purpose of interment of the dead, under the provisions of this act and the rules and regulations of the corporation. The secretary, in a book to be by him kept for that purpose, shall enter therein a full memorandum of all lots sold, when and to whom sold and the date of the deed or certificate conveying the same.

§ 7. The corporation shall cause a plat to be made of the land to be laid out into lots for interment, designating such lot by consecutive numbers for convenient selection and description; which plat shall also exhibit the walks, avenues, alleys and carriage ways on said land. The plat shall be recorded by the secretary in the books of the corporation, and the original or a true copy thereof shall be lodged with and kept by him, and be open to the inspection of the several corporators and all owners of lots. The plat or plats shall also be recorded in the recorder's office of the county of Peoria: *Provided, however,* that the corporation shall not be required to lay out and make a plat of the whole of said land before proceeding to sell and convey lots to purchasers; but when a portion thereof, not less than twenty acres, shall be laid out and prepared for interment and a plat thereof made and recorded, as herein provided, the corporation may proceed to sell lots and give deeds and certificates therefor; and plats of other parts of the land may afterwards be made and recorded, as the funds of the corporation shall enable it to lay out, grade and prepare it for interment until the whole land shall be laid out, graded and prepared for interment and plats thereof made and recorded.

Plat to be made.

Record plat.

Proviso.

§ 8. Lot owners may alienate a whole lot, but no lot or parts of a lot shall be so alienated that different persons may hold the same or parts thereof in severalty; but nothing in this section contained shall prohibit any two or more persons from being the owners of a lot as tenants in common. The mode of transferring or conveying lots by one purchaser to another shall be by deed, and the secretary, upon such deed being filed with him, shall enter upon the book of the corporation in which entries of certificates of sale are made, as in this act is provided, the date of the deed, a description of the lot, from whom and to whom the conveyance is made, and the time of filing the deed. Such deed shall vest all the right and title of the grantor in the lot in the grantee, his heirs and assigns. The entries of the secretary in the books of the company shall be evidence in all courts of the facts stated in such entries.

Lot owners.

Tenants in common.

Right and title.

Evidence.

§ 9. The corporation shall proceed to clear, prepare for interment and lay out the said land into lots, alleys, avenues and carriage ways, to the extent of at least twenty acres, as soon as practicable, and shall from time to time lay out and prepare for interment in the same manner other portions of said land, as it shall be required for the purpose of interment, and as the funds of the corporation will justify.

Clear and lay out grounds.

§ 10. Out of the proceeds of the sales of lots the corporation may first pay the purchase money of the land purchased for cemetery purposes and the expenses of

Proceeds.

grading, laying out and fencing the same and all necessary incidental expenses, with interest; and after the payment of such purchase money, expenses and interest the corporation shall provide, by its by-laws, for appropriations out of the proceeds of sales of lots to keep the grounds in repair and in good order: *Provided, however,* that nothing herein contained shall make it requisite for the corporation to pay the whole of such purchase money, expenses and interest before extending the laying out, grading and platting other parts or portions of said land from time to time as said corporation shall deem it necessary and proper.

Right of way.

§ 11. Lot owners shall at all times have a right of way over any roads or ways provided by the corporation leading to said land, and also to pass and repass over any of the alleys, avenues and carriage ways on said land in conformity to the rules and regulations of the corporation.

Not to lay out public roads over the land.

§ 12. No public road or highway shall ever be laid out or located over or upon the said land, nor in any way shall any of said land be taken or condemned for any public use whatsoever.

§ 13. The members of the corporation, after its organization, shall consist of not less than five nor more than fifteen persons. The corporation, after its organization under this act, may determine the manner in which persons may become members and regulate the mode of transferring and conveying the shares or interest of its members.

Decease of members.

§ 14. In case of the decease of any member of the corporation intestate, or if testate failing to dispose of his or her share or interest in the said land so that the same shall descend to several of his heirs or personal representatives, the persons so taking such shares or interest shall be tenants in common of such share or interest, and may depute and authorise one of their number to act in their behalf in the meetings and the affairs of the corporation; and the person so deputed shall have all the powers of any other member. The proper courts having jurisdiction to order or decree sales of estates of decedents may, on the petition of one of the persons who take the share or interest of a deceased member, order the sale of the whole of the share or interest of the decedent in the same manner that the estates of deceased persons are sold for the payment of debts; and the said courts shall enquire into and determine what part, if any, of the proceeds of such sales shall be paid to such corporation on account of the claim, legal or equitable, of the corporation against such share or interest to pay any debts or to contribute to the funds of the corporation. The residue, after paying the costs and expenses of the proceed-

Tenants in common.

Court to determine what part of proceeds of sales shall be applied.

ings and of the sale, shall be paid over to the persons entitled thereto as such heirs or personal representatives; but in no case shall there be a partition among such heirs and tenants in common of any share or interest, but the same shall remain an entirety for all purposes of the business of the corporation: *Provided, however,* that if several persons become the joint owners of any share or interest by descent or otherwise each joint owner may convey his interest therein to any one of the co-tenants.

Proviso.

§ 15. It is hereby declared that the title to said land, when the terms and provisions of this act shall be complied with, shall be vested in the corporation as a trustee, and the corporation shall hold the same in trust for the purpose of interment and a repository for the dead forever; and the said corporation and the members thereof are hereby forever prohibited from selling, conveying in any way, alienating or appropriating any part of the land so laid out and platted as herein provided, for any other use or purpose whatsoever than is contemplated by this act.

Title vested in corporation.

§ 15. Any person who shall wilfully destroy, injure or remove any tomb or monument or any grave stone placed in said cemetery, or shall wilfully remove, destroy, cut, break or injure any fence around or any railing, fence, tree, shrub or plant within the limits of said cemetery, or shall shoot off or discharge any gun or other firearms within the said limits shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace in the county of Peoria, be fined not less than five dollars nor more than one hundred dollars, according to the nature and aggravation of the offense; and the court before whom the conviction is had may, in its discretion, make an order, as part of its judgment, that the defendant shall be committed to and confined in the common jail of the county till the fine and costs shall be paid; and such offender shall also be liable to an action of trespass, to be brought before any justice of the peace or court of competent jurisdiction, in the name of said corporation, to recover all damages sustained by his or her unlawful act or acts; and the amount of the fine or the damages, when recovered and collected, shall be paid over to the corporation or its proper officer, to be used to repair or restore the property destroyed or injured or for such other purpose as the corporation or its board of directors shall determine; and in such suits and prosecution members of the corporation shall be competent witnesses.

Penalty.

§ 16. It shall be lawful for said corporation to take and hold any grant or bequest of money or property in trust, and to apply the same or the income thereof, under the direction of the board of directors, for the improvement of said cemetery or any portion thereof or in the erection and

Grants, bequests &c.



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and said compensation shall be audited and allowed, and paid by the township for which he was appointed, the same as if he had been appointed by the board of auditors of said town; and his duties shall be the same, and the board of town auditors or county board may appoint so many assistant commissioners as they may deem necessary to thoroughly perform the duties in any town; which assistants shall receive the same compensation for like services, as the commissioner, and whose duties shall be the same, and the commissioner of Canada thistles or assistants refusing or neglecting to perform their respective duties shall be fined in a sum not less than ten dollars nor more than one hundred dollars for each offense, such fine to be sued for in any court of competent jurisdiction in the name of the town on complaint of any land owner of the town; said fine when collected to be paid to the supervisor or county commissioner and become a part of the town or precinct fund.

[Section 3 of this act is in place of section 3, page 180, Hurd's Revised Statutes, 1883.--Ed.]

CEMETERIES.

SECTION

1. Destroying etc., tomb, etc.—penalty.
2. Board of directors may make by-laws, etc.—penalty for violating.

SECTION

3. Appointment and powers of policemen.
4. Trust fund for keeping lots in order, etc.—exemption from taxation.

AN ACT to protect cemeteries and to provide for their regulation and management. Approved June 29, 1885. In force July 1, 1885.

1. DESTROYING, ETC., TOMB, ETC.—PENALTY.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any person who shall willfully destroy, mutilate or injure any tomb, monument, stone, vault, tree, shrub or ornament, or any object whatever, in any cemetery, or in any avenue, lot or part thereof, or shall hunt, shoot or discharge any gun, pistol or other missile, within the limits of any cemetery, or shall cause any shot or missile to be discharged into or over any portion thereof, or shall violate any of the rules made and established by the board of directors of such cemetery, for the protection or government thereof, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than five dollars nor more than one hundred dollars for each offense. All such fines when recovered, shall be paid over by the court or officer receiving the same to the cemetery association and be applied, as far as possible in repairing the injury, if any, caused by such offense. *Provided*, nothing contained in this act shall deprive such cemetery association, or the owner of any lot or monument from maintaining an action for the recovery of damages caused by any injury caused by a violation of the provisions of this act, or of the rules established by the board of directors of such cemetery association.

2. BOARD OF DIRECTORS MAY MAKE BY-LAWS, ETC.—PENALTY FOR VIOLATING.] § 2. The board of directors of such society or association is hereby authorized to make by-laws for the government thereof, and to make rules regarding the driving of carriages, processions, eams, and the speed thereof, the use of avenues, lots, walks, ponds, water courses, vaults, buildings, or other places within such cemetery, and for the maintenance of good order and quiet in such cemetery, all such rules to be subject to the rights of lot owners, or others, owning any interest in such cemetery; and all persons found guilty of a violation of such rules shall be punished by a fine of not less than five dollars, nor more than one hundred dollars for each offense. No justice of the peace shall be disqualified from hearing any cause that may be brought before him under the provisions of this act, nor shall any person be disqualified from acting as a juror in such cause, by reason of any interest or ownership they or either of them may have in the lots of such cemetery.

3. APPOINTMENT AND POWERS OF POLICEMEN.] § 3. The directors of any cemetery society, or cemetery association, may appoint policemen to protect such cemetery and preserve order therein, and such policemen shall have the same power in respect to any offenses committed in such cemetery, or any violation of this act, that city marshals or policemen in cities have in respect to maintaining order in such cities or arresting for offenses committed therein.

INDIANA



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one thousand dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period.

1953. Selling or secreting State arms. 52. Whoever unlawfully sells, disposes of, hides, secretes, or detains or refuses to give up, to any person authorized to demand and receive them, any of the arms, accoutrements, ordnance stores, camp or garrison equipage belonging to this State, shall be fined in any sum not more than five hundred dollars nor less than five dollars, to which may be added imprisonment in the county jail not more than six months nor less than ten days.

1954. Removing mortgaged goods. 53. A mortgagor of personal property, in possession of the same, who, without the consent of the owner of the claim secured by the mortgage, removes any of the property mortgaged out of the county where it was situated at the time it was mortgaged, or secretes or converts the same or any part thereof to his own use, or sells the same or any part thereof to any person, without informing him of the existence of such mortgage, shall be fined in any sum not more than two hundred dollars nor less than five dollars.

1955. Malicious trespass. 54. Whoever maliciously or mischievously injures or causes to be injured any property of another or any public property is guilty of a malicious trespass, and, upon conviction thereof, shall be fined not more than two-fold the value of the damage done, to which may be added imprisonment in the county jail for not more than twelve months.

1. As to the indictment, see *State v. Peden*, 2 Blackf. 371; *State v. Merrill*, 3 id. 346; *State v. Kuns*, 5 id. 314; *State v. Slocum*, 8 id. 315; *State v. Jackson*, 7 Ind. 270; *State v. Clevinger*, 14 id. 366; *Hayworth v. State*, id. 590; *State v. Williams*, 21 id. 206; *Harness v. State*, 27 id. 425; *Croy v. State*, 32 id. 384; *State v. Sparks*, 60 id. 298; *State v. Pitzer*, 62 id. 362.

2. As to the evidence, see *State v. Bush*, 29 Ind. 110; *Croy v. State*, 32 id. 384; *Palmer v. State*, 45 id. 388; *Lowe v. State*, 46 id. 305; *Dawson v. State*, 52 id. 478; *Gaskill v. State*, 56 id. 550; *Squires v. State*, 59 id. 261; *Lossen v. State*, 62 id. 437; *Gundy v. State*, 63 id. 528.

1956. Injuring telegraph or telephone poles or wires. 55. Whoever maliciously or mischievously injures any telegraph-pole or telephone-pole, or the wire or any part of the apparatus thereof, upon conviction thereof, shall be fined not more than five hundred dollars nor less than five dollars, and imprisoned in the county jail not more than six months nor less than thirty days.

1957. Attacking public conveyance. 56. Whoever maliciously or mischievously shoots a gun, rifle, pistol, or other missile or weapon, or throws a stone, stick, club, or other substance whatever, at or against any stage-coach, locomotive, railroad-car, or train of cars, or street-car on any railroad in this State, or at or against any wharf-boat, steamboat, or other water-craft, shall be imprisoned in the county jail not more than one year nor less than thirty days, and fined not more than one hundred dollars nor less than ten dollars.

1958. Penalty if person is wounded or killed. 57. In case any person on such stage-coach, locomotive, car, train of cars, street-car, or wharf-boat, steamboat, or other water-craft, shall be injured or wounded by any such act as is specified in the preceding section, the person so offending shall be deemed guilty of an assault and battery with intent to commit murder, and, upon conviction thereof, shall be imprisoned in the State prison not more than fourteen years nor less than two years; and if death

IOWA



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CHAPTER 147.

STATE UNIVERSITY.

H. F. 211. AN ACT to Repeal Section 1587, Chapter 2, Title 12 of the Code, Relating to the State University, and to Enact a Substitute therefor.

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

Code, §1587
repealed.

SECTION 1. That section 1587, chapter 2, title 12 of the Code be and the same is hereby repealed and the following enacted in lieu thereof:

Board of
regents.

Section 1587. The university shall be governed by a board of regents consisting of the governor of the state, who shall be president of the board by virtue of his office, the superintendent of public instruction, who shall be a member by virtue of his office and the president of the university, who shall also be a member by virtue of his office, together with one person from each congressional district of the state who shall be elected by the general assembly.

Approved March 17, 1876.

CHAPTER 148.

TO PUNISH INTERFERENCE WITH THE PROPERTY OF RAILROAD COMPANIES.

S. F. 221. AN ACT to Diminish Liability to Railroad Accidents and to Punish interference with, and injury to the Property of Railroad Companies.

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

Discharging
fire-arms &c.
at railroad
train.

SECTION 1. If any person shall throw any stone, or other substance of any nature whatever, or shall present or discharge any gun, pistol, or other fire arm at any railroad train, car, or locomotive engine he shall be deemed guilty of a misdemeanor and be punished accordingly.

Jumping off
cars while in
motion.

SEC. 2. If any person not employed thereon, or not an officer of the law in the discharge of his duty, without the consent of the person having the same in charge, shall get upon, or off, any locomotive engine, or car of any railroad company, while said engine or car is in motion, or elsewhere than at the established depots of such company, or who shall get upon, cling to, or otherwise attach himself to any such engine or car, for the purpose of riding upon the same, intending to jump therefrom, when such engine or car is in motion, he shall be guilty of a misdemeanor and be punished by fine not exceeding \$100, or by imprisonment not exceeding thirty days.

Approved March 17, 1876.

KENTUCKY



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1866.

CHAPTER 656.

AN ACT to prevent shooting on the Sabbath in this Commonwealth.

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

Unlawful to hunt on the lands of another on the Sabbath, Misdemeanor to have gun in possession on another's premises on Sabbath. How proceeded against, Penalty.

§ 1. That no person shall, within this Commonwealth, on the Sabbath day, enter or go upon the land of another person to catch, shoot, or kill any birds, fowl, or animal of any kind; and any such person having in his possession a gun at the time, or after he enters upon the premises of another as aforesaid, shall, upon proof, be guilty of a violation of this act, and, upon conviction thereof, by proceedings before any justice of the peace, in any county of the State, in the name of the Commonwealth, be fined a sum not less than \$20 and not more than \$50 and costs, to half of which fines the informer shall be entitled, and the other half shall go to the Commonwealth.

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

Approved February 16, 1866.

CHAPTER 671.

AN ACT to regulate the public printing and binding.

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

Acts and Journals to be printed immediately.

§ 1. That the Acts and Journals of the present meeting of the General Assembly shall be printed and bound and distributed as soon after the next adjournment of the General Assembly for recess as can be conveniently done.

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

Approved February 16, 1866.

CHAPTER 672.

AN ACT in relation to contracts with negroes and mulattoes.

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

In contracts for labor with negroes, parties may stipulate that they shall be entire.

Either party abandoning contract without cause, other held to have performed it.

Contracts to be in writing. Attested by white person.

§ 1. That it shall be lawful, in contracts for labor or service between white persons and negroes or mulattoes, for the parties to stipulate that the same are to be held as entire; and if either party shall, without good cause, abandon the contract, the other party shall be held to have completed the same.

§ 2. That all contracts entered into under this act shall be in writing, and attested by some white person.

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

Approved February 16, 1866.



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labor or other business, whether the same be for profit or amusement, unless such as is permitted above, he shall be fined not less than two nor more than fifty dollars for each offense. Every person or apprentice so employed shall be deemed a separate offense. Persons who are members of a religious society, who observe as a Sabbath any other day in the week than Sunday, shall not be liable to the penalty prescribed in this section, if they observe as a Sabbath one day in each seven, as herein provided.

§ 11. If any person shall hunt game with a gun or dogs on the Sabbath, he shall be fined not less than five nor more than fifty dollars for each offense.

Hunting on the Sabbath.

§ 12. If any person shall knowingly alter or deface the marks or brands on any horse, cattle, sheep, hog, goat, or other property, not his own, without the consent of the owner, he shall be fined a sum not exceeding two hundred dollars, or imprisoned not exceeding six months, or both, in the discretion of a jury.

1 R. S., 401.
Altering or defacing brands, &c.

§ 13. If any person shall drive sheep for a distance of more than ten miles along a public road, without each sheep being plainly branded, or marked with one or more letters or crosses, he shall be fined not less than two nor more than ten dollars for each sheep so driven.

Driving sheep not branded, &c.

§ 14. Any person who shall knowingly and willfully furnish to any purchaser of stock any false pedigree of such stock, shall, upon conviction thereof, be fined in any sum not less than one hundred nor more than one thousand dollars, or imprisoned in the county jail not less than three nor more than twelve months, or both so fined and imprisoned.

Furnishing false pedigree of stock to purchaser.

§ 15. If any person shall die on board of a steamboat, or other water craft, within this State, if not claimed by a friend, the master, or other officer in command, shall cause the dead body to be buried on shore, at least four feet deep. Such master, or other officer, failing so to do, shall be fined not less than two hundred dollars, and the vessel shall be liable for the payment of it.

Burial of persons dying on steamboats, &c.

§ 16. Whoever shall unlawfully or secretly disinter, or displace any dead human body from the grave or vault in which it has been deposited, shall be fined not more than five hundred dollars, or imprisoned not exceeding six months, or both, at the discretion of a jury.

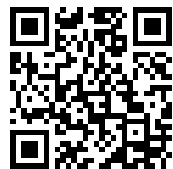
Disinterring dead bodies.

LOUISIANA

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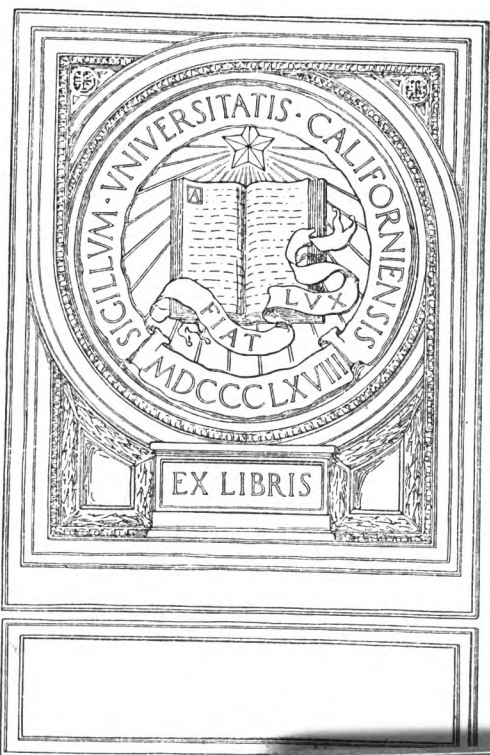


QB 583 605

Judge 4th Dist. Court.

J. W. Price

John Henry Brewer



THE LAWS
AND
REVISED ORDINANCES
OF THE
CITY OF NEW ORLEANS.

THE LAWS
AND *W. Price*
Judge 4th District
GENERAL ORDINANCES

OF THE

CITY OF NEW ORLEANS,

TOGETHER WITH THE

ACTS OF THE LEGISLATURE, DECISIONS OF THE SUPREME COURT,
AND CONSTITUTIONAL PROVISIONS, RELATING
TO THE CITY GOVERNMENT.

REVISED AND DIGESTED,

PURSUANT TO AN ORDER OF THE COMMON COUNCIL,

BY

HENRY J. LEOVY.

NEW ORLEANS:

PRINTED BY E. C. WHARTON, 41 CAMP STREET.

1857.

JS 1201
A9
1857

RECEIVED
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HENRY J. LEVY,
In the Clerk's Office of the District Court of the United States, for the
Eastern District of Louisiana.

up otherwise than before the parish recorder or notary, ten cents for every hundred words.

For certificate of mortgage with seal, one dollar, and for every hundred words after the first hundred, twenty cents.

For canceling a mortgage, one dollar.

The parties to a notarial act may, by written clause in the act, dispense with the certificate of mortgage required by article three thousand three hundred and twenty-eight of the Civil Code, and the notary or parish recorder shall not in such case be entitled to charge for such certificate.

For fixing seal and effects of intestates, two dollars.

For removing the same, with proces verbal, one dollar.

For swearing each appraiser or expert, twenty-five cents.—Acts of 1856, p. 168.

See also Acts of 1855, page 322.

OFFENSES AND NUISANCES.

An Ordinance relative to offenses and nuisances.

Defacing build-
ings, etc.

No. 495. ART. 1.—(1.) No person shall deface any building or buildings, fence, sign or other private property in the city, by cutting, breaking, daubing with paint, or in any other way defacing or injuring the same.

Door bells,
knockers, door
plates, etc.

No. 496. (2.) No person shall mischievously ring a door bell or use the knocker of any house or office or other place, or shall wantonly injure any door bell or knocker, or deface, or injure, or remove any door plate upon which the name of the resident is inscribed.

Posters.

No. 497. (3.) It shall not be lawful for any person to post up an advertisement or other paper whatsoever, on any private house or building, or wall, or fence, without the consent of the owner, or upon any public building or wall or fence.

Notices of
diseases, treat-
ment, etc.

No. 498. (4.) It shall not be lawful to post up, or have posted up or placarded in any public place, any hand-bill announcing the sale of medicine or the nature of the treatment for any kind of disease.

Firing of guns,
pistols, crackers,
etc.

No. 499. (5.) No person shall fire or discharge any gun, pistol, fowling piece, or fire arms, within the limits of the city, or set fire to, or discharge any rocket, cracker, squib or serpent, or shall throw any lighted rocket, cracker, squib or serpent, within the limits of the city, without the license of the common council, provided that nothing herein contained shall apply to military reviews or to the lawful use of weapons in self defense.

No. 500. (3.) It shall not be lawful for any person or persons to erect, or in any manner establish or continue any pistol or shooting gallery within the limits of the city of New Orleans, without having first obtained the consent of two-thirds of the persons residing within one square of the place where any pistol or shooting gallery is intended to be established, and the permission of the common council; and it shall be the duty of any person or persons so establishing such shooting gallery, to have the same so enclosed as to prevent the report of fire arms being heard in the street or streets on which the same may be located.

Shooting galleries.

No. 501. (7.) It shall not be lawful for any person or persons to beat a drum, or blow a horn, or sound a trumpet in any street or public place within the limits of the city. Provided, that this provision shall not apply to any militia or other procession, or to those cases in which auctioneers are permitted to beat drums.

Drums, horns, etc.

No. 502. (8.) It is unlawful to use indecent or vulgar language in any street, cemetery, public square, or levee, or other public place, or to commit any nuisance offensive to public decency, in any public place or in any open lot, or on or under any wharves.

Indecent language, nuisances, etc.

No. 503. (9.) It is unlawful to abuse, provoke, or disturb any person; to make charivari, or to appear masked or disguised in the streets, or in any public place.

Charivaris, masking, etc.

No. 504. (10.) No person on Mardi Gras, or at any other time, shall throw flour or any other substance on any person passing along the streets or any public place.

Throwing flour, etc.

No. 505. (11.) No person shall make a violent noise or create disturbance, or offense against public peace by intoxication or otherwise.

Disturbances, intoxication, etc.

No. 506. (12.) All persons are forbidden and are prohibited from throwing or depositing any offal, filth, manure, feculent matter, corrupt or putrid water or any shells, hay, straw, kitchen stuff, paper, cloth or any matter of any kind which may be offensive to the smell or injurious to the health, on any banquette, street, alley, wharf or any public place, or in any gutter, drain or canal, within the limits of the city. Provided, that ordinary kitchen offal may be deposited in tubs, boxes, barrels or baskets to be placed on the outside of the banquettes, convenient to be taken by the offal carts on each morning in the summer, at or before 8 o'clock, and in the winter at or before 9 o'clock.

Throwing offal, etc., in streets, etc.

No. 507. (13.) No person shall be allowed to keep or let remain within their yards or private alley, any of the articles or

Offal remaining in yards, etc.



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1873 117 .

ALWD 7th ed.
, , 1873 117 .

Chicago 17th ed.
," Louisiana - 3rd Legislature, 1st Session : 117-117

AGLC 4th ed.
" Louisiana - 3rd Legislature, 1st Session 117

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No. 60.]

AN ACT

Conferring certain additional powers and privileges on the Metairie Cemetery Association, and to punish trespassers.

WHEREAS, A certain association known as the Metairie Cemetery Association, has been formed, and is now in existence under the general corporation laws, by act passed before James Fahey, a notary public of New Orleans, on the twenty-fifth day of May, 1872:

Metairie Cemetery Association.

SECTION 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That if any person shall open any tomb or grave in the lands of the Metairie Cemetery Association, and clandestinely remove or attempt to remove any body or remains therefrom, such person on conviction thereof shall be sentenced to undergo an imprisonment at hard labor for a term not less than one year nor more than five years, and pay a fine of not more than five hundred dollars at the discretion of the court. And any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, or other structure placed therein, or shall willfully destroy, cut, break or remove any tree, shrub or plant within the limits of said cemetery, or shoot or discharge any gun or firearms within said limits, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof, before any court or tribunal of competent jurisdiction, be punished by a fine at the discretion of the judge, according to the aggravation of the offense, of not less than five dollars, nor more than fifty dollars for each and every offense.

Trespasses and misdemeanors: punishment of.

SEC. 2. *Be it further enacted, etc.,* That the property of the said Metairie Cemetery Association be and is hereby forever exempted from all taxation, State as well as municipal and parochial, so long as it remains dedicated to the purposes of a cemetery.

Taxes—exemption from.

SEC. 3. *Be it further enacted, etc.,* That all lots, tombs and monuments in said cemetery shall be forever exempted from seizure under execution or assignment for debt under any insolvent or bankrupt law, and no public road, street or avenue shall be laid out or opened over, upon or through the lands of said corporation.

Seizure—exemption from.

SEC. 4. *Be it further enacted, etc.,* That the said Metairie Cemetery Association shall have perpetual existence.

Term of existence.

SEC. 5. *Be it further enacted, etc.,* That all laws or parts of laws inconsistent with the powers granted to said Metairie Cemetery Association by its original act of incorporation or with the provisions of this act be and are hereby repealed, and that this act shall take effect from and after its passage.

(Signed)

CHARLES W. LOWELL,

Speaker of the House of Representatives.

(Signed)

C. C. ANTOINE,

Lieutenant Governor and President of the Senate.

Approved March 22, 1873.

(Signed)

WILLIAM P. KELLOGG,

Governor of the State of Louisiana.

A true copy :

P. G. DESLONDE,

Secretary of State.

CONSTITUTION

ADOPTED BY THE

State Constitutional Convention

OF THE

STATE OF LOUISIANA,

MARCH 7, 1868.

Printed by the New Orleans Republican, in accordance with a resolution of
the Constitutional Convention, adopted March 7th, 1868.

NEW ORLEANS:

PRINTED AT THE REPUBLICAN OFFICE, 57 ST. CHARLES STREET.

1868.

mechanic any part of the wages due to such laborer, employe, tenant or mechanic, on account of any vote which such laborer, employe, tenant or mechanic has given or purposes to give, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five hundred dollars, one-half of which shall go to the school fund of the parish in which the offense was committed, and by imprisonment in the parish prison for not less than three months.

SEC. 69. *Be it further enacted, etc.*, That any person who shall molest, disturb, interfere with, or threaten with violence, any commissioner of election or person in charge of the ballot boxes, while in charge of the same, between the time of the close of the polls and the time that said ballot boxes are delivered to the supervisor of registration, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars, or by imprisonment in the penitentiary not less than one year, or both, at the discretion of the court.

Interference with counting of ballots, etc.

SEC. 70. *Be it further enacted, etc.*, That any person not authorized by this law to receive or count the ballots at an election, who shall, during or after any election, and before the votes have been counted by the supervisors of registration, disturb, displace, conceal, destroy, handle or touch any ballot, after the same has been received from the voter by a commissioner of election, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars, or by imprisonment for not less than six months, or both, at the discretion of the court.

Disturbing the counting of ballots.

SEC. 71. *Be it further enacted, etc.*, That any person not authorized by this law to take charge of the ballot boxes at the close of the election who shall take, receive, conceal, displace or [in] any manner handle or disturb any ballot box at any time between the hour of the closing of the polls and the transmission of the ballot box to the supervisor of registration, or during such transmission, or at any time prior to the counting of the votes by the supervisor of registration, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars, or by imprisonment in the penitentiary not less than one year, or both, at the discretion of the court.

Interference with ballot boxes.

SEC. 72. *Be it further enacted, etc.*, That if any person shall by bribery, menace, willful falsehood, or other corrupt means, directly or indirectly attempt to influence any elector of this State in the giving his vote or ballot, or to induce him to withhold the same, or disturb or hinder him in the free exercise of the right of suffrage at any election in this State, he shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than five hundred dollars, and be imprisoned in the parish prison for a term not exceeding six months, and shall also be ineligible to any office in the State for the term of two years.

Interference with free exercise of right of suffrage.

SEC. 73. *Be it further enacted, etc.*, That it shall be unlawful for any person to carry any gun, pistol, bowie knife or other dangerous weapon, concealed or unconcealed, on any day of election during the hours the polls are open, or on any day of registration or revision of registration, within a distance of one-half mile of any place of registration or revision of registration; any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dol-

Weapons.

lars, and by imprisonment in the parish jail for not less than one month; provided, that the provisions of this section shall not apply to any commissioner or officer of the election or supervisor or assistant supervisor of registration, police officer or other person authorized to preserve the peace on days of registration or election.

Liquors.

SEC. 74. *Be it further enacted, etc.,* That no person shall give, sell or barter any spirituous or intoxicating liquors to any person on the day of election, and any person found guilty of violating the provisions of this section shall be fined in a sum of not less than one hundred dollars, nor more than three hundred dollars, which shall go to the school fund.

Corruptly voting.

SEC. 75. *Be it further enacted, etc.,* That whoever, knowing that he is not a qualified elector, shall vote or attempt to vote at any election, shall be fined in a sum not to exceed one hundred dollars, to be recovered by prosecution before any court of competent jurisdiction.

Double vote.

SEC. 76. *Be it further enacted, etc.,* That whoever shall knowingly give or vote two or more ballots folded as one at any election, shall be fined in a sum not to exceed one hundred dollars, to be recovered by prosecution before any court of competent jurisdiction.

Bribery to influence voters.

SEC. 77. *Be it further enacted, etc.,* That whoever, by bribery or by a promise to give employment or higher wages to any person, attempts to influence any voter at any election, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, and by imprisonment in the parish prison for not less than three months.

Obtaining illegal voting.

SEC. 78. *Be it further enacted, etc.,* That whoever willfully aids or abets any one, not legally qualified, to vote or attempt to vote at any election, shall be fined in a sum of not less than fifty dollars, to be recovered by prosecution before any court of competent jurisdiction.

Disorderly houses.

SEC. 79. *Be it further enacted, etc.,* That whoever is disorderly at any poll or voting place during an election, shall be fined in a sum not less than twenty dollars, to be recovered by prosecution before any court of competent jurisdiction.

Meetings of citizens.

SEC. 80. *Be it further enacted, etc.,* That whoever shall molest, interrupt or disturb any meeting of citizens assembled to transact or discuss political matters, shall be fined in a sum not less than fifty dollars, to be recovered by prosecution before any court of competent jurisdiction.

Any sheriff, constable or police officer present at the violation of this section shall forthwith arrest the offender or offenders, and convey him or them, as soon as practicable, before the proper court.

Imprisonment.

SEC. 81. *Be it further enacted, etc.,* That the court imposing any fine, as directed in sections seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine and eighty of this act, shall commit the person so fined to the parish prison until the fine is paid; *Provided,* That said imprisonment shall not exceed six months.

Perjury.

SEC. 82. *Be it further enacted, etc.,* That in cases where any oath or affirmation shall be administered by any supervisor of registration, assistant supervisor of registration or commissioner of election, in the performance of his duty as prescribed by law, any person swearing or affirming falsely in the premises shall be deemed guilty of perjury, and subjected to the penalties provided by the law for perjury.

Duty of Governor to insure peace.

SEC. 83. *Be it further enacted, etc.,* That the Governor shall take all necessary steps to secure a fair, free and peaceable election; and shall, on the days of election, have paramount charge and con-

MARYLAND



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Virgil Maxcy. Laws of Maryland. With the Charter, the Bill of Rights, the Constitution of the State, and its Alterations, the Declaration of Independence, and the Constitution of the United States, and its Amendments (1811).

ALWD 7th ed.

Maxcy, Virgil. Ls of Maryl&. With the Charter, the Bill of Rights, the Constitution of the State, & its Alterations, the Declaration of Independence, & the Constitution of the United States, & its Amendments (1811).

APA 7th ed.

Maxcy, V. (1811). Laws of Maryland. With the Charter, the Bill of Rights, the Constitution of the State, and its Alterations, the Declaration of Independence, and the Constitution of the United States, and its Amendments. Baltimore, P.H. Nicklin & Co.

Chicago 17th ed.

Maxcy Virgil. Laws of Maryland. With the Charter, the Bill of Rights, the Constitution of the State, and its Alterations, the Declaration of Independence, and the Constitution of the United States, and its Amendments. Baltimore, P.H. Nicklin & Co.

McGill Guide 9th ed.

Virgil Maxcy, Ls of Maryl&. With the Charter, the Bill of Rights, the Constitution of the State, & its Alterations, the Declaration of Independence, & the Constitution of the United States, & its Amendments (Baltimore: P.H. Nicklin & Co., 1811)

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April,
1715.

And on
persons con-
victed for
hunting, &c.

Criminals to
pay their
own fees, by
servitude, if
not other-
wise capa-
ble.

Proviso.

Officers fees,
how to be
paid.

ceal the true and real mark, or whether it were marked or not, shall be deemed and adjudged a hog stealer within the purview of this act, and shall suffer accordingly.

VII. AND, to prevent the abusing, hurting or worrying of any stock of hogs, cattle or horses, with dogs, or otherwise, **BE IT ENACTED,** That if any person or persons whatsoever, that have been convicted of any of the crimes aforesaid, or other crimes, or that shall be of evil fame, or a vagrant, or dissolute liver, that shall shoot, kill or hunt, or be seen to carry a gun, upon any person's land, whereon there shall be a seated plantation, without the owner's leave, having been once before warned, shall forfeit and pay one thousand pounds of tobacco, one half to our sovereign lord the king, his heirs and successors, the other half to the party grieved, or those who shall sue for the same, to be recovered in any county court of this province by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law to be allowed.

VIII. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid,* That from henceforth no sheriff, gaoler, clerk, crier, or other officer, shall charge either their own county, to which they belong, or the public, with any fees for any criminal committed to the charge of the said sheriff or gaoler, having sufficient estate in this province wherewith to pay the same, or being capable to pay the same by servitude, but that such criminals, being discharged by order and due course of law, shall pay their own fees to the sheriff, gaoler, clerk or crier, and other officers, being such as they may demand according to law, either out of his estate, or by servitude, or otherwise.

Vide 1781, ch 11.

IX. PROVIDED ALWAYS, That this act shall not extend to malefactors that are executed, or to such other persons who are banished, having no estate in this province, or to servants criminals, for whom the county shall pay such fees as are due by the acts of assembly to the sheriff, gaoler, clerk, crier, or other officers of such court where such criminal shall be convicted.

X. AND BE IT FURTHER ENACTED, *by the authority aforesaid,* That all officers' fees due by law from (a) criminal servants, shall be paid by the county where the facts shall be committed; and that all and every such criminal servants for

(a) By the act of 1727, ch. 2, all fees due on the prosecution of imported servants, were to be paid by the masters, &c. of such servants, and not by the public or county; and the owners (unless in case of conviction and execution for capital offences,) to have recompence for such fees, by such servitude of the servants (not exceeding three years) as should be thought reasonable by the county court, &c. By May, 1766, ch. 6, the legal fees on the prosecution of any negro, or other slave, in any county court, (whether convicted or acquitted,) shall be paid by and assessed in the levy of the respective counties where prosecuted.



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Chicago 17th ed.
," Maryland - General Assembly, December Session : [cxii]-[cxiv]

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" Maryland - General Assembly, December Session [cxii]

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FRANCIS THOMAS, ESQUIRE, GOVERNOR. 1841.

their first regular annual meeting, or as soon thereafter as may CHAP. 148.
be, shall fix and establish rates for the hire of laborers on the
public roads in said county, and the same to alter and change
from year to year in their discretion, and they are hereby
authorized and directed to levy and assess on the assessable
property of said county, such sum or sums as may be neces-
sary for that purpose; *provided*, in no case that the hire of Proviso:
an able bodied hand that may hereafter be employed on
said public roads, shall be less than fifty cents per day.

Sec. 2. *And be it enacted*, That the act passed at Decem- Repealed.
ber session, eighteen hundred and thirty-seven, chapter one
hundred and seventy, be and the same is hereby repealed.

CHAPTER 147.

An supplement to an act entitled, an act to incorporate the Passed Feb
Town of New Windsor, in Carroll County. 28, 1842.

Be it enacted by the General Assembly of Maryland, Close alley.
That James C. Atlee, of Carroll county, be and he is here-
by authorized at his own cost and expense to close that
part of the alley, recently opened adjoining the town of
New Windsor, extending from North High street, past
lots number twenty-two, twenty-three and twenty-four, of
said town, and thence paralel with the last mentioned lot to
Bath street, in said town; *provided*, the said James C. Atlee Proviso
shall obtain the assent in writing, of a majority of the com-
missioners of said town, before he proceeds under this act.

CHAPTER 148.

An act to incorporate the Mount Orange Cemetery, in the Passed Feb
County of Baltimore. 28, 1842.

WHEREAS, a number of citizens of the city and county Preamble.
of Baltimore in this State, have associated for the purpose
of establishing a cemetery at Mount Orange, in the county
of Baltimore, at the north of the city, bounded by the north
sqavenue, on the south Loney lane, on the west by the
land of Alderson, on the north, and by the land of Cross on
the east, containing between fifty and sixty acres of land;
and whereas, the said property has been purchased of ap-
propriating the same exclusively to a public cemetery; *and*

CHAP. 148. *whereas*, it seems reasonable and necessary to provide for the permanence of said establishment, so that those who enter there, may be assured of perpetual protection to the remains of relatives and friends, and for the decent preservation of the grounds—therefore,

Corporal
powers.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Tobias E. Stansberry, James L. Ridgely, Robert Howard, Elijah Stansberry, John Spear Smith, Henry R. Louderman, George M. Gill, T. Parkin Scott, Thomas Kell, Augustus W. Bradford, Abel S. Dungan, Robert Sinclair, Robert Taylor, William P. Mills, Samuel Boyd, Doctor Thomas Risteau and William C. Conine, and their successors, be and they are hereby created a body politic and corporate, by the name and title of the Mount Orange Cemetery, and by that name shall have perpetual succession, and shall be able and liable to sue and be sued in any court of law or equity, and may have and use a common seal, and the same at their pleasure to alter or renew, and shall have power of establishing, maintaining and improving a public cemetery, which is hereby declared to be the only object for which said corporation is erected; *provided*, the quantity of land owned by said corporation shall not exceed sixty acres, with authority to said corporation to receive gifts or bequests, for the purpose of ornamenting or improving said cemetery, and to hold such personal property as may be requisite to carry out the object of this act.

Officers—du-
ties, etc.

SEC. 2. *And be it enacted*, That the affairs of said corporation shall be conducted by a president and five managers, who shall be elected by a majority of the votes of the proprietors, on the first Monday in each and every year, and in case no election shall be held at the time aforesaid, the officers last elected shall continue in office, until an election shall be held, the said president and managers shall have power to fill all vacancies in their own body, to lay out and ornament the grounds, remove or alter the old buildings, and erect new ones, to lay out and sell or dispose of burial lots, to appoint all necessary officers and agents, and fix their several duties and compensation, and to make such by-laws, rules and regulations as they may deem proper for conducting the affairs of the corporation, for the government of lot-holders and visitors to the cemetery, and the said president and managers shall have power to call for the payment of the instalments on the sections composed of four lots, or on the lots agreeable to the terms of subscription, or in such other manner as the exigencies of the cemetery may require, in all elections held under this act, each proprietor of one lot shall have one vote; those owning a section, that is to say, four lots, two votes; eight lots, three votes; sixteen lots,

four votes; thirty lots, five votes; sixty lots, six votes; one hundred lots and upwards, eight votes. CHAP. 148.

SEC. 3. *And be it enacted*, That no streets, lanes, alleys, roads or canals of any sort shall be opened through the property of said corporation, exclusively used or appropriated to the purposes of a cemetery; *provided*, nothing herein contained, shall authorize said corporation to obstruct any public road or street, lane or alley now actually opened and used as such. Not to obstruct.
Proviso.

SEC. 4. *And be it enacted*, That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone, or other structure, placed in the cemetery aforesaid, or any fence, railing or other work for protection or ornament of any tomb, monument, grave stone or other structure aforesaid, or shall wilfully destroy, cut, break or remove any tree, shrub or plant within the limits of said cemetery, or shall shoot or discharge any gun, or other fire arms, within the said limits, shall be considered guilty of a misdemeanor, and shall upon conviction thereof before any justice of the peace of Baltimore county, be punished by a fine at the discretion of the justice, according to the aggravation of the offence, of not less than five dollars, nor more than fifty dollars. Fines.

SEC. 5. *And be it enacted*, That until an election shall be held under the provisions of this act, the persons named above, shall be the managers of the said corporation. Continuation of powers.

SEC. 6. *And be it enacted*; That every lot conveyed in said cemetery shall be held by the proprietors for the purpose of sepulture alone, and for none other, as real estate, and shall not be subject to attachment or execution. Exempt from debt.

SEC. 7. *And be it enacted*, That a certificate under seal of the corporation of the ownership of any lot aforesaid, shall in all respects have the same effect as any conveyance from the said corporation of such lot would have, if executed, acknowledged and recorded as conveyances of real estate are required to be. Certificate of ownership.

SEC. 8. *And be it enacted*, That the sum of ten dollars arising out of the sale of each section, comprising four lots, shall be paid to the corporation hereby created for improving the buildings, laying out and ornamenting the grounds, erecting gateways, putting up iron railings and creating a fund for superintending and keeping the cemetery in perpetual repair. Ten dollars to be paid.

SEC. 9. *And be it enacted*, That nothing in this act be so construed so as to authorize the said corporation to issue any note, token, device, scrip or other evidence of debt to be used as a currency. Banking forbid.



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ALWD 7th ed.
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Chicago 17th ed.
," Maryland - General Assembly, January Session : 120-123

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" Maryland - General Assembly, January Session 120

OSCOLA 4th ed.
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CHAPTER 98.

Passed Feb. 15, 1864. AN ACT to add a new section to Article eighth, entitled, Cecil county Public Local Laws.

Section added. SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the following section on roads be added to Article eight of the Code of Public Local Laws entitled, "Roads," and be arranged under the head of roads in said article :

Penalty. Sec. 180. No person shall fire any gun, pistol or firelock of any kind on or within twenty yards of any public road, street, bridge, causeway or highway in Cecil county, under a penalty of not less than five nor more than twenty dollars, to be recovered in the same manner as prescribed in section one hundred and seventy-seven of Article eight, hereinbefore mentioned.

In force. Sec 2. *And be it enacted,* That this act shall take effect from the date of its passage.

CHAPTER 99.

Passed Feb. 15, 1864. AN ACT to incorporate the town of Grantsville, in Allegany county.

Incorporated. SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the citizens of the town of Grantsville, in Allegany county, shall be and they are hereby constituted and made a body corporate by the name of the Commissioners of Grantsville, with all the privileges of a body corporate, and to have a common seal and perpetual succession.

Sec. 2. *And be it enacted,* That the free male white citizens of Grantsville aforesaid, of the age of twenty-one years and upwards, being citizens of the United States, who have resided in the said town for and during the space of six months next



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1872 514 .

ALWD 7th ed.
, , 1872 514 .

Chicago 17th ed.
," Maryland - General Assembly, January Session : 514-521

AGLC 4th ed.
" Maryland - General Assembly, January Session 514

OSCOLA 4th ed.
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CHAPTER 324.

AN ACT to incorporate a company to construct a bridge across the Severn River, at Annapolis, in Anne Arundel county.

Appointed
Commissioners to build
bridge.

Open books
to raise sub-
scriptions.

Time books
shall be kept
open.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That James S. Robinson, Theodore Corner, Samuel T. Redgrave, Thomas C. Boone, Samuel Ridout, John B. Nicols, John T. E. Hyde, senior, James W. Hunter, Thomas Ireland, James E. Tate and James Revell, be and they are hereby appointed Commissioners for the purpose hereinafter mentioned, with power to supply any vacancy that may occur in their body by death, resignation or otherwise: that is to say, that they, or a majority of them, after giving at least fifteen days' notice, by publication in such newspaper and by such other mode as in their discretion shall deem most conducive to the interest of their enterprise, shall or may open a book or books at such place or places as they may designate, for raising subscriptions to the capital stock to construct a bridge across the Severn River, at Annapolis, in Anne Arundel county, in the State of Maryland, and thereupon they or any number of their Board, not less than three, shall proceed to receive subscriptions for the capital stock of the company by this Act incorporated, which shall not exceed the sum of fifty thousand dollars, to be divided into shares of twenty-five dollars each; and the said books shall be kept open for three consecutive days, and as much longer as the said commissioners or a majority of them deem prudent; and in case of an excess of subscription, the commissioners shall deduct from the largest in such manner that no one shall be reduced while any remains larger; and if the whole number of shares shall not have been subscribed for within the time the said books may be kept open for that purpose, then the said commissioners shall and may proceed to again open a book or books at such other time or times, and place or places as they may deem proper, for the purpose of receiving subscriptions for the remaining number of shares of the capital stock of the said company, in the

manner, and after giving the notice of the time and place, as hereinbefore provided.

SEC. 2. *And be it enacted,* That as soon * twelve To call meet- hundred shares of the capital stock of the company ing. created by this Act shall have been subscribed, the said commissioners, or a majority of them, shall call a meeting of the subscribers of said capital stock, who shall proceed to the election by ballot of one President and six Directors from among their own body, to manage the affairs of said company for one year from the date of their election, and until a new election of President and Directors shall thereafter be made.

SEC. 3. *And be it enacted,* That the said stockhold- Incorporated ers, their associates and successors, from the day of their first meeting as hereinbefore provided for, shall and they are hereby declared to be a body corporate and politic by the name and title of "The Annapolis and North Severn Bridge Company;" and by that Name. name shall have succession, may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State, and make and use a common seal.

SEC. 4. *And be it enacted,* That the President and Majority Directors shall meet at such time and places as a ma- being a jority of them shall agree upon, for the transaction quorum. of the business of the company, a majority of the whole board being a quorum; and in the absence of the President the Directors present may choose a chairman from among their own body, and they shall keep a full and correct minute of all their proceed- ings fairly entered in a book kept for that purpose.

SEC. 5. *And be it enacted,* That in case of any va- In case of cancy occurring in the Board of President and vacancy. Directors by death, resignation or otherwise, the Directors shall supply such vacancy by the appointment of such President or Director from among the stockholders, to serve the remainder of the year; and the said President and Directors shall have full Power to ap- power and authority to appoint a treasurer for said point. company, to serve for one year, and a secretary, if they shall deem such officer necessary, and all such

other officers or agents as the interests of said company may require, to serve during the pleasure of said President and Directors, and shall determine the nature of the surety and the amount the respective officers and agents shall bond for, the amount of their respective salaries, and when the same shall be payable.

To make and establish by-laws, rules, &c.

SEC. 6. *And be it enacted*, That the said President and Directors, or a majority of them, shall have full power and authority to make and establish all such by-laws, rules, orders and regulations, not inconsistent with the Constitution and Laws of this State, that shall or may be necessary for the well being, ordering and directing the affairs of said company.

Stockholders to elect President and Directors.

SEC. 7. *And be it enacted*, That the stockholders of the said company, in one year from and after the day on which the first election for President and Directors shall be held, as hereinbefore provided for, and on the same day in every year thereafter, unless the same shall happen on Sunday, and in that case on the day succeeding, shall elect by ballot from among the said stockholders, one President and six Directors, to serve for one year from the day of their election, and until the election of their successors, and in every election, as aforesaid, for President and Directors, each stockholder shall be entitled to one vote for each share of stock by him, her or them held, and in case it shall happen that an election for President and Directors should not be made upon any day when, pursuant to the provisions of this Act, such election ought to have been made, said corporation shall [shall] not for that cause be dissolved, but it shall be lawful on any other day, to hold and make an election as aforesaid, in such manner as shall be prescribed and regulated by the by-laws and ordinances of said corporation.

Shares, how to be voted.

Power to call on subscribers for payment.

SEC. 8. *And be it enacted*, That the President and Directors, or a majority of them, shall have full power and authority to call upon the subscribers to the capital stock of said Company for the payment of the respective amounts subscribed for, in instalments not exceeding five dollars on each share subscribed for, nor more than one instalment in any one month,

provided, they give public notice of the day on which such payment shall be made, at least fifteen days previous to said day; and in case any stockholder shall refuse or neglect to pay such portion of his, her or their subscription at the time so appointed, the President and Directors may proceed to recover the same by due process of law; and in case of a failure to realize the same by such process of law, by reason of the want of assets, then the said stock shall become forfeited to and for the use of the said company, and the President and Directors, after giving such public notice as they shall deem proper, shall proceed to sell the said stock so forfeited, and transfer the same.

Proviso.

Refusal or neglect to pay

Sec. 9. *And be it enacted*, That all moneys belonging to the said company shall be paid into the hands of the Treasurer of the said company, and the same shall be paid out by him, on the order of the President and Directors, signed by the President.

All moneys to be paid to Treasurer.

Sec. 10. *And be it enacted*, That the said President and Directors, or a majority of them, shall have full power and authority to contract for and cause to be erected the bridge aforementioned, and are hereby authorized to select such site for said bridge as they, or a majority of them, shall in their judgment deem most safe and convenient; and they, or a majority of them, shall have full power and authority to agree with and appoint such engineers, superintendents and other officers, as they may think necessary to construct the said bridge, and to contract and agree for materials and all such articles as they may deem necessary; and they, or a majority of them, are hereby authorized to draw upon the Treasurer of said company for all money to pay the wages or salaries of all persons by them appointed or employed in the service of the said company, or for materials furnished and labor done.

Power to contract for erection of bridge

Appoint officers.

Sec. 11. *And be it enacted*, That the shares in the said bridge shall be deemed and considered personal property, and every stockholder of a share or shares may sell and transfer the same, or any part thereof, not being less than one share, by writing under his or her hand and seal before two witnesses.

Shares considered personal property.

When completed to demand tolls.

Rates.

Proviso.

To keep just and true account.

To publish dividends.

SEC. 12. *And be it enacted*, That so soon as the said bridge shall have been completed, it shall be lawful for the said company to demand and receive the following tolls and rates for passing the same; that is to say: For a foot passenger, five cents; for a man and horse, fifteen cents; for every cart or wagon with two horses, mules or oxen, thirty-five cents; for every cart or wagon with four horses, mules or oxen, fifty-five cents; for every pleasure carriage or sleigh with one horse, twenty-five cents; with two horses, thirty-five cents; with four horses, fifty-five cents; for each head of horses, mules or cattle, ten cents; and for each head of sheep or swine, five cents; and the said President and Managers are empowered hereby to contract monthly or yearly with any person or persons for the passage of the bridge for a certain and fixed sum, in lieu of the tolls authorized by this Act, which sum or sums, if not punctually paid at the time stipulated for the payment thereof, shall be recovered before any Justice of the Peace of this State, as other debts are recoverable; *provided*, however, that if the said company or proprietors of said bridge shall suffer the same to become unsafe or unfit for the transportation of passengers or vehicles, that the said toll shall cease, and not be demanded until the said bridge be repaired; and the said company or proprietors of said bridge shall cause to be set up and kept in some conspicuous place at the toll house, in legible characters, lists of the rates of tolls provided for by this Act.

SEC. 13. *And be it enacted*, That the said President and Directors shall keep a just and true account of all moneys received by their several collectors of tolls for crossing said bridge, and from all other sources, and shall make and declare a dividend of the profits and income thereof, among all other stockholders, first deducting therefrom all proper expenses or incidental costs, and such proportions of said tolls and income as they may deem necessary to provide against the decay, and for repairing the said bridge; and shall, on the first Monday in January and July in each and every year, publish the dividends, if any, of clear profits thereof, to be made

among the stockholders, and also the time and place when and where the same shall be payable, and shall cause the same to be paid accordingly; and whereas, it is necessary for the building of said bridge that provisions should be made for the condemning a quantity of land sufficient for the abutments and a toll-house, as well as for a road or roads to said bridge, if it should be located beyond the present roads, therefore it shall and may be lawful for the said President and Directors, or a majority of them, to agree with the owner or owners of any land on which it is intended to abut the said bridge and build a toll-house, or through which it may be necessary to extend a road, for the purchase thereof; and in case of a disagreement, or in case the owner or owners thereof shall be a *feme covert*, under age, *non compos mentis*, or out of the State, on application to a Justice of the Peace of Anne Arundel county, the said Justice shall issue his warrant to the Sheriff of the said county to summon a jury of twelve persons, freeholders of said county, not related to either of the parties nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten nor more than twenty days after the date of said warrant; and the Sheriff, upon receiving the said warrant, shall forthwith summon the said jury, and when met, shall administer to each one of them an oath or affirmation that he shall justly and impartially value the land required by the company according to the best of his skill and judgment, and the inquisition thereupon taken shall be signed by the jury, and returned by the Sheriff to the clerk of the county, and unless good cause be shown against the said inquisition, it shall be affirmed by the Circuit Court of Anne Arundel county, and their valuation shall be conclusive on all persons, and shall, on demand, be paid for by said President and Managers to the owner or owners of the land, or his or her legal representatives; and on payment or tender of payment thereof, the said company shall be seized of such lands as of an absolute estate in perpetuity; *provided* that the damages assessed shall be fully paid, or tendered to the parties entitled to receive the same, be-

To condemn
land.

Disagreement

Sheriff to
summon jury

Inquisition to
be affirmed.

Proviso.

fore the company aforesaid shall be entitled to exercise any act of possession or ownership on the land aforesaid.

Width of bridge.

SEC. 14. *And be it enacted*, That the said bridge shall be of the width of not less than sixteen feet, and made of good and substantial materials, with suitable abutments, and railing on both sides.

To build draw.

SEC. 15. *And be it enacted*, That the President and Directors shall cause to be built and kept in repair a convenient and sufficient draw over the navigable part of said river, of not less than forty feet in width, with flanges of fifty feet in length on both sides, at such point as is most usually traversed by sailing vessels, for passing and repassing of vessels by day and night; and shall also cause to be made, proper offsets from the bridge at the draw, with the necessary fastenings for the use of vessels passing said draw; and the said company shall, without charge or toll, cause the draw or passage way to be opened without unnecessary delay, for the passage of all vessels that are unable to pass under the same.

To open without charge.

Privileges to cease.

SEC. 16. *And be it enacted*, That if the said bridge shall not be commenced within three years and completed within five years from the passage of this Act, that then, and in that case, all the privileges hereby granted shall cease.

Prohibition.

SEC. 17. *And be it enacted*, That for the safety of passengers and vehicles passing on said bridge, there shall be a penalty of not less than ten nor more * fifty dollars for any person or persons to shoot any gun, pistol, or fire-works of any kind whatever on the said bridge; one-half to go to the informer, and the other half to the owners of said bridge; and the said person or persons so offending shall be tried before any Justice of the Peace of Anne Arundel county, and upon conviction thereof shall be fined as aforesaid, and upon failure to pay said fine, * be imprisoned in the county jail for a period of thirty days.

Violators to be fined.

Lawful to assume control of.

SEC. 18. *And be it enacted*, That it shall and may be lawful for the County Commissioners of Anne



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Chicago 17th ed.
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G. I. Copeland; and also to issue his warrant upon the Treasurer for the sum of sixty dollars, payable to the order of Abram Zarks; and also to issue his warrant upon the Treasurer for the sum of sixty dollars, payable to the order of C. E. Gordon; the said sums of money having been paid for State license erroneously issued to said persons by the Clerk of the Circuit Court of Anne Arundel county.

SEC. 2. *And be it enacted*, That this act shall take effect from the date of its passage. Effective.

Approved April 7, 1886.

CHAPTER 189.

AN ACT to prevent the carrying of guns, pistols, dirk-knives, razors, billies or bludgeons by any person in Calvert county, on the days of election in said county, within one mile of the polls.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That from and after the passage of this act, it shall not be lawful for any person in Calvert county to carry, on the days of election and primary election, within three hundred yards of the polls, secretly, or otherwise, any gun, pistol, dirk, dirk-knife, razor, billy or bludgeon, and any person violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof by the Circuit Court of Calvert county having criminal jurisdiction thereof, or before any Justice of the Peace in said county, shall be fined not less than ten nor more than fifty dollars for each offence, and on refusal or failure to pay said fine, shall be committed to the Jail of the county until the same is paid.

Unlawful to carry weapons to the polls.

SEC. 2. *And be it enacted*, That the fines collected under this act shall be paid by the offi-

Fines go to
schools.

cer collecting the same, to the School Commissioners of the county in which the offence was committed, for School purposes.

Misdemeanor.

SEC. 3. *And be it enacted*, That any Constable of said county, or the Sheriff thereof, who shall refuse to arrest any person violating any provision of this act, upon information of such offence, shall be deemed guilty of a misdemeanor, and on conviction thereof before the Circuit Court for Calvert county, as the case may be, shall be fined not less than fifty nor more than one hundred dollars, and shall, in the discretion of the Court, be discharged from office.

Penalty.

Effective.

SEC. 4. *And be it enacted*, That this act shall take effect from the date of its passage.

Approved April 7, 1886.

CHAPTER 190.

AN ACT to repeal section three of the acts of eighteen hundred and eighty-four, chapter sixteen, entitled an act for the protection of birds in Prince George's and Anne Arundel counties, and to re-enact the same with amendments, and to add new sections thereto.

Repealed and
re-enacted.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That section three of chapter sixteen of the acts of eighteen hundred and eighty-four, entitled an act for the protection of birds in Prince George's and Anne Arundel counties, be and the same is hereby repealed and re-enacted so as to read as follows, and that new sections be added thereto.

SEC. 3. *And be it enacted*, That it shall not be lawful for any person or persons in said counties to shoot, kill or catch or in any way to



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1874, ch. 250.

99. It shall not be lawful for any person in Kent county to carry, on the days of election, secretly or otherwise, any gun, pistol, dirk, dirk-knife, razor, billy or bludgeon; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof before any justice of the peace of said county, shall be fined not less than five nor more than twenty dollars, and on refusal to pay said fine shall be committed by such justice of the peace to the jail of the county until the same shall be paid.

Ibid.

100. The fines collected under the preceding section shall be paid by the officer collecting the same, to the school commissioners of the county, for school purposes.

Ibid.

101. Any constable of said county, or the sheriff thereof, who shall refuse to arrest any person violating section 99, upon information of such offence, shall be deemed guilty of a misdemeanor, and on conviction thereof before the circuit court shall be fined not less than twenty nor more than fifty dollars, and shall forthwith be discharged from office.

FENCES.

P. L. L., (1860,) art. 14, sec. 91.

102. Wherever joint fences have been or may be established in said county, for the mutual advantage of different owners or possessors of adjoining lauds, each party shall keep in good repair his proper proportion thereof, in manner following, that is to say: all post and rail or plank fences shall be at least four feet six inches high, and not more than four inches between the lower and second, and not more than five inches between the second and third rails; and all worm or other fences shall be five feet high; the height of said fences to be in every case computed from the ground or base of any embankment upon which they may be erected.

Ibid. sec. 92.

103. If either of the parties so making or keeping a joint fence shall not comply with the provisions of the preceding



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, , 1890 297 .

Chicago 17th ed.
," Maryland - General Assembly, January Session : 297-301

AGLC 4th ed.
" Maryland - General Assembly, January Session 297

OSCOLA 4th ed.
" 1890 297 Please note: citations are provided as a general guideline.
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CHAPTER 273.

AN ACT to amend the Code of Public Local Laws, article seventeen, title "Prince George's county," by adding thereto a new section, to be designated "290 A," under the sub-title "Sabbath Breaking."

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That article seventeen, of the Code of Public Local Laws, title "Prince George's county," be amended, by adding thereto a new sub-title "Sabbath Breaking," and thereunder a new section to be designated "290 A," so as to read as follows: To add

SABBATH BREAKING.

290 A. No person whatsoever shall hunt with dog or gun on the Lord's day, commonly called "Sunday," nor shall profane the Lord's day by gunning, hunting, fowling, or by shooting or exploding any gun, pistol or firearm of any kind, or by any other unlawful recreation or pastime, and any person violating the provisions of this section shall, for every such offense, upon conviction before any justice of the peace for the county, forfeit the gun, pistol or other firearm used in such violation, and be fined not less than five dollars, nor more than thirty dollars, one-half such to go to the person causing the prosecution to be instituted, the other half to the school fund of the county, and upon failure or refusal to pay such fine, and the costs of prosecution, shall be committed to the jail of said county, and confined therein until said fine and costs are paid, not exceeding in any case a period of twenty days; provided, that any person so convicted shall have the right of appeal to the circuit court of said county, as in other causes, wherein said justices of the peace have final jurisdiction. Unlawful.

SEC. 2. *And be it enacted,* That this act shall take effect from the day of its passage. Effective.

Approved April 3, 1890.

CHAPTER 274.

AN ACT to incorporate the Washington and Laurel traction company.

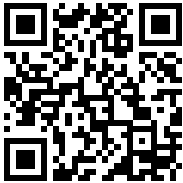
SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Charles A. Wells, Charles White, Charles H. Stanley, Edward Phelps, Charles E. Coffin and Robert V. Hall, of Prince George's county, State of Maryland, Theophilus Tunis and H. Clay Tunis, of Baltimore, State of Maryland, and Charles White, junior, and Robert H. Gunnell, of Washington, District of Columbia, and their successors and assigns are hereby created a body corporate Body corporate.

MASSACHUSETTS

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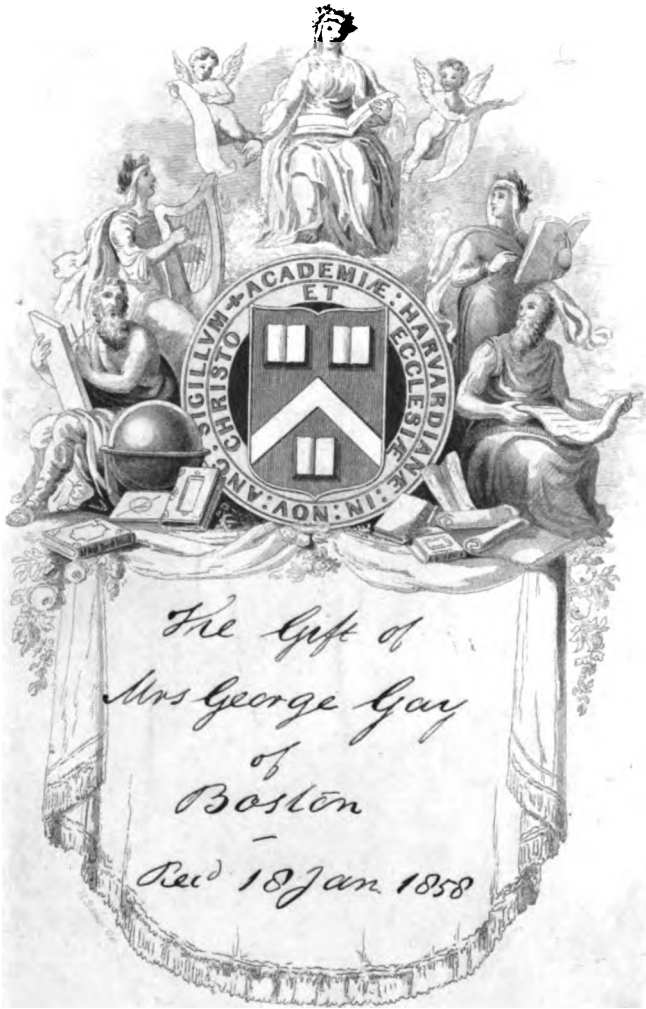


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TO WHICH IS ADDED

AN APPENDIX,

TENDING TO EXPLAIN THE SPIRIT, PROGRESS AND HISTORY OF THE JURIS-
PRUDENCE OF THE STATE; ESPECIALLY IN A MORAL
AND POLITICAL VIEW.

=====
PUBLISHED BY ORDER OF THE GENERAL COURT.
=====

BOSTON:

PRINTED AND PUBLISHED BY T. B. WAIT AND CO.

1814.

CHAPTER XCI.

ACTS TO PROMOTE THE BUILDING OF GOOD SHIPS, &c.

SECT. 1. WHEREAS the building of ships is a business of great importance for the common good, and therefore suitable care ought to be taken that it be well performed, according to the commendable course of England and other places:

It is therefore ordered by this court and the authority thereof; that when any ship is to be built within this jurisdiction, or any vessel above thirty tons, the owner, or builder in his absence, shall before they begin to plank, repair to the governor or deputy governor, or any two magistrates, upon the penalty of ten pounds, who shall appoint some able man to survey the work and workmen from time to time, as is usual in England, and the same so appointed shall have such liberty and power as belongs to his office.

Surveyors appointed to view all ships in building.

And if any ship-carpenter shall not, upon his advice, reform and amend any thing which he shall find to be amiss, then upon complaint to the governor, or deputy governor, or any two magistrates, they shall appoint two of the most sufficient ship-carpenters of this jurisdiction, and shall authorize them from time to time, as need shall require, to take view of every such ship and all works thereto belonging, and to see that it be performed and carried on according to the rules of their art.

Their power.

And for this end an oath shall be administered to them, to be faithful and indifferent between the owner and the workman, and their charges shall be born by such as shall be found in default:

Oath.

Charges.

And those viewers shall have power to cause any bad timbers, or other insufficient work or materials, to be taken out and amended at the charge of them through whose default it grows. [October, 1641.]

SECT. 2. It is ordered by the authority of this court; that all ships, which come for trading only from other parts, shall have free access into our harbours, and quiet riding there, and free liberty to depart without any molestation by us, they paying all such duties and charges required by law in the country, as others do. [1645.]

SECT. 3. This court having perused and considered the letter received from his majesty's most honourable privy council, dated the 24th of June last, relating to an act of parliament, entitled an act for the encouraging and increasing of shipping and navigation; as an addition and explanation of former orders made by this court concerning these affairs:

Officers
authorized
about ship-
ping.

It is hereby ordered and enacted; that the several officers hereafter mentioned are hereby deputed and authorized to see that the said act be performed, so far as it concerns the government of this plantation, both in seizing ships or vessels inhibited by the said act to trade here, taking bonds of all ships and vessels that lade in our ports any commodities expressed in the said act, of the growth, product or manufactory of the English plantations, who shall not produce certificate that they have given bond already as the said act requireth.

And in case of neglects or contempt, to seize such vessels or ships that lade the aforesaid goods without giving bond or shewing certificates: and to keep accounts of all such ships and vessels, with the names of the masters, that lade here as aforesaid, and return an account twice every year with copies of the said bonds and certificates unto the governor for the time being, by him to be transmitted to London, directed to the chief officer there.

Penalty
for drink-
ing healths
&c. in
ships or
vessels.

SECT. 4. Be it also enacted by the authority of this court, that no masters of ships, or seamen, having their vessels riding within any of our harbours in this jurisdiction, shall presume to drink healths, or suffer any healths to be drunk within their vessels by day or night, or to shoot off any gun after the daylight is past, or on the sabbath day, on penalty for every health twenty shillings, and for every gun so shot twenty shillings.

And the captain of the castle is hereby enjoined to give notice of this order to all ships that pass by the castle. [1663.]

SECT. 5. To prevent calumny, reproach and prejudice to this colony and the inhabitants, and trade thereof:

All trade
with ships
forbidden
before the
govern-
ment be
acknow-
ledged.

It is ordered, that no person shall henceforth trade or truck with any vessel that shall arrive upon our coast, until the same shall come under command, and ride in our usual harbours, and have acknowledged the government as the law provides, upon the penalties of all such goods traded, and such further punishment as the court of assistants shall adjudge. [May, 1671.]



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Assistance to be given unto neighboring towns, &c., attacked by the enemy.

Intelligence to be posted away to the commander-in-chief.

In case of the colonel's absence, the next commissioned officer to act.

Penalty for disorderly shooting.

within the regiment and county whereto they belong, as into any other county or place within this province, for the assisting, succouring and relieving any of his majestie's subjects, towns or places that shall be assaulted by the enemy, or in danger thereof, and with such party, companies or troops to encounter, resist, repel, pursue, kill and destroy the French and Indian enemy, or any of them, by all fitting wayes, enterprises and means whatsoever; the colonel or chief officer of such regiment so taking to armes, or sending forth any party of men, forthwith to post away the intelligence and occasion thereof unto the commander-in-chief, and to attend and observe such directions and orders as he shall receive from him. And in case it happen the colonel or chief officer of any regiment be out of the limits or precincts of the regiment for which he is or shall be commissioned, respectively, at the time of any invasion, attack or appearance of the enemy, or alarm given from any of the neighbouring towns or regiments, the next commission officer then within the regiment shall have, use and exercise the same powers and authorities herein before granted, until the return of the colonel or other superiour officer; the officer so acting to post away the intelligence thereof, with the occasion for the same as aforesaid, unto the commander-in-chief, and to attend and observe such directions and orders as he shall receive from the commander-in-chief therein.

And for the better preventing of false alarms by disorderly shooting off guns in the night,—

Be it further enacted by the authority aforesaid,

[SECT. 3.] That no person or persons whatsoever, in any town or garrison, shall presume to discharge or shoot off any gun or guns after the shutting in of the daylight in the evening, or before daylight in the morning, unless in case of alarm, approach of the enemy, or other necessary defence, on pain that every person so offending, and being thereof convicted before one or more of his majestie's justices of the peace, shall forfeit and pay the sum of ten shillings, one moiety thereof to and for the use of the poor of the town where the offence is committed, and the other moiety to him or them that shall inform or prosecute for the same. And in case such offender shall not have wherewith to answer the said fine, or shall refuse or neglect to pay the same, then to be set in the stocks, not exceeding two hours' time: *provided*, that this act shall remain and continue in force during the present war, and no longer. [*Passed June 8; published June 19.*]

CHAPTER 2.

AN ACT FOR GIVING SUCCOURS AND ASSISTANCE TO THE RELIEF OF HIS MAJESTIE'S SUBJECTS IN THE NEIGHBOURING PROVINCES OR COLONIES.

FORASMUCH as in this time of war, there may be occasion for the raising of souldiers, and transporting or marching of them out of the limits of this province into the neighbouring provinces or colonies, for the defence of his majestie's subjects and interests, and the prosecution of the French or Indian enemy,—

Be it declared and enacted by the Lieutenant-Governour, Council and Representatives in General Court convened, and by the authority of the same,

That in the vacancy of the general assembly, it shall be in the liberty of the governour and commander-in-chief for the time being, by and with the advice and consent of the council, to raise and transport such part of the militia of this province as they shall find needful, or oblige

THE
C H A R T E R
Granted by their Majesties
King W I L L I A M
AND
Queen M A R Y,
TO THE
I N H A B I T A N T S
OF THE
P R O V I N C E
OF THE
Massachusetts-Bay
IN
N E W - E N G L A N D .

B O S T O N , in N E W - E N G L A N D :

Printed by S. KNEELAND, by Order of His Excellency the
GOVERNOR, COUNCIL and House of REPRESENTATIVES.
M, DCC, LIX.

Deserters.

employ ; or to appoint some other fit Person by writing under his Hand to lead, conduct and employ them as well within the Regiment and County whereto they belong, as into any other adjacent County or Place within this Province, for the assisting, succouring and relieving any of his Majesty's Subjects, Forts, Garrisons, Towns or Places, that shall be assaulted by an Enemy, or in Danger thereof ; and with such Party, Companies or Troops, by Force of Arms, to encounter, repel, pursue, kill and destroy such Enemy, or any of them, by all fitting Ways, Enterprises and Means whatsoever: And the Colonel or chief Officer of such Regiment so taking to Arms, or sending forth any Party of Men, shall forthwith Post away the Intelligence and Occasion thereof unto the Captain General or the Commander in Chief for the Time being ; and shall attend and observe such Directions and Orders as he shall receive from him. And in Case it happen the Colonel or chief Officer of any Regiment be out of the Limits or Precincts of the Regiment, for which he is or shall be commissioned, at the Time of any Invasion, Attack or Appearance of an Enemy ; or Alarm given from any of the neighbouring Towns or Regiments ; the next Commission Officer then within the Regiment, shall have, use and exercise the same Powers and Authorities herein before granted, until the return of the Colonel, or other superiour Officer. And such Officer so acting shall Post away the Intelligence thereof, with the Occasion for the same, as aforesaid, unto the Captain General, or the Commander in Chief for the Time being ; and shall attend and observe such Directions and Orders as he shall receive, from the Captain General or Commander in Chief therein.

To Post away Intelligence to the Captain General, &c.

The like Power given to the next Commission Officer, in Case of the Absence of the chief Officer.

And for the better preventing of false Alarms by disorderly shooting off Guns in the Night :

Be it further enacted by the Authority aforesaid, That no Person or Persons whatsoever in any Town or Garrison, shall during the Time of War or of keeping a military Watch in such Town or Garrison, presume to discharge or shoot off any Gun or Guns after the Sun's setting, or before the Sun's rising ; unless in Case of Alarm, approach of an Enemy, or other necessary Defence : on pain that every Person so offending, and being thereof convicted before one or more of his Majesty's Justices of the Peace, shall forfeit and pay the Sum of *twenty Shillings* for each Gun so discharged ; one Moiety thereof to and for the Use of the Poor of the Town where the Offence shall be committed, and the other Moiety to him or them that shall inform or prosecute for the same. And if such Offender shall not have wherewith to answer the said Fine ; or shall refuse or neglect to pay the same, then he shall be set in the Stocks, not exceeding two Hours Time.

Penalty for shooting off Guns after Sun set, and before Sun rising.

And in Case any Person so offending be belonging to any Garrison or Forces in actual Service, and borne in his Majesty's Pay, he shall be punished at the Discretion of a Court martial ; or the Commission Officers of the Garrison, Company, or Troop whereto he belongs, by putting into the Bilboes, laying Neck and Heels, or riding of the wooden Horse.

C H A P. II.

An Act against Deserters.

FOR the better preventing of Soldiers or Mariners Departure from their Captains or Commanders without Leave, or deserting his Majesty's Service :

Preamble.

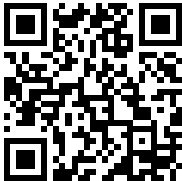
Be it enacted and declared by his Excellency the Governour, by and with the Advice and Consent of the Council and Representatives, in General Court assembled, and by the Authority of the same, That no Soldier or Mariner retained in his Majesty's Service, and borne in his Majesty's Pay in Garrison, or elsewhere, by Sea or Land, shall depart without Licence of his Commander, and desert his Majesty's Service ; on pain of being proceeded against as a Felon ; and shall suffer the Pains of Death, or some other grievous Punishment, at the Discretion of the Court before whom the Trial shall be.

Penalty for deserting his Majesty's Service.

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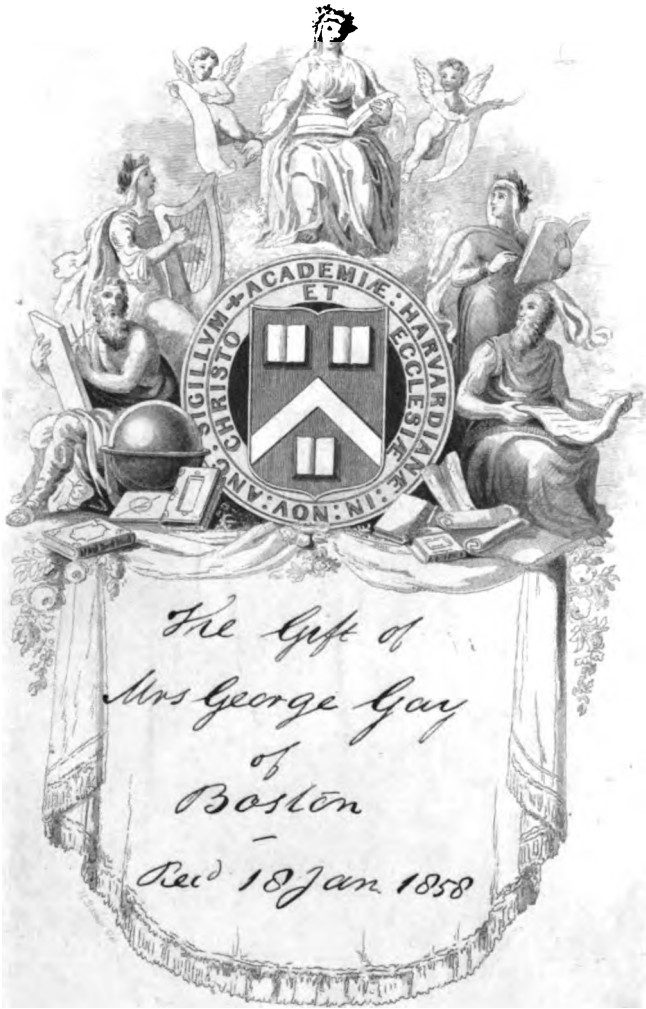


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Charters and General Laws

OF

THE COLONY AND PROVINCE

OF

MASSACHUSETTS BAY.

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TO WHICH IS ADDED

AN APPENDIX,

TENDING TO EXPLAIN THE SPIRIT, PROGRESS AND HISTORY OF THE JURIS-
PRUDENCE OF THE STATE; ESPECIALLY IN A MORAL
AND POLITICAL VIEW.

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PUBLISHED BY ORDER OF THE GENERAL COURT.
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CHAPTER LXVII.

AN ACT FOR PUTTING THE MILITIA OF THIS PROVINCE INTO
A READINESS FOR DEFENCE OF THE SAME.

WHEREAS by the law of this province it is already provided, "that in case of alarms made either from a sea-port town or other town lying frontier to, or in danger of an enemy, the captain or captains of the adjacent towns shall forthwith go or send such relief as they shall judge meet for the offence of the enemy and defence of themselves, &c." but forasmuch as the occasion may be such and so sudden as it may be necessary to call together, arm, array, and put into a posture for war the whole militia and forces of one or more regiments for the defence of the province and his majesty's subjects therein, in case of invasion or near approach of an enemy, before the notices thereof can reach the captain general or commander in chief, to have directions or orders from him for the same,

Military commission officers empowered, by force of arms to encounter any hostile enterprise.

SECT. 1. Be it therefore enacted and declared by his excellency the governor, by and with the advice and consent of the council and representatives, in general court assembled, and by the authority of the same, that all persons commissioned by the captain general or commander in chief of this province, for the time being, to bear office in any military company or troop within the same, be, and hereby are empowered and authorized by virtue of such commission, when and as occasion shall require, in the cases and to the intents and purposes abovesaid, to arm, array and weapon the company or troop respectively under their command, or part of them, and by force of arms, to encounter, repel, pursue, kill and destroy any that shall appear in hostile manner to attempt or enterprise the destruction, invasion, detriment or annoyance of any of his majesty's subjects, forts, garrisons, towns or plantations within this province. And that such officer or officers, so taking to arms, shall forthwith despatch notice to his or their superiour officer of his or their motion, and the occasion thereof, and observe such commands and orders as he or they shall receive from him.

Colonel or chief officer of any regiment, his power.

SECT. 2. And be it further enacted by the authority aforesaid, that the colonel or chief officer of each regiment be, and hereby is empowered and authorized, as occasion shall require, in any of the cases, and to the intents before mentioned, from time to time to assemble in martial array, and put into warlike posture the whole militia of the regiment

under his command, or such part of them as he shall think needful, upon any alarm, invasion, or notice of the appearance of an enemy by sea or land, and the regiment, companies or troops so armed, arrayed, and put into warlike posture, or part of them, to lead, conduct and employ, or to appoint some other fit person by writing under his hand to lead, conduct and employ them as well within the regiment and county whereto they belong, as into any other adjacent county or place within this province, for the assisting, succouring and relieving any of his majesty's subjects, forts, garrisons, towns or places, that shall be assaulted by an enemy, or in danger thereof, and with such party, companies or troops, by force of arms, to encounter, repel, pursue, kill and destroy such enemy, or any of them, by all fitting ways, enterprises and means whatsoever. And the colonel or chief officer of such regiment so taking to arms, or sending forth any party of men, shall forthwith post away the intelligence and occasion thereof unto the captain general or the commander in chief for the time being, and shall attend and observe such directions and orders as he shall receive from him. And in case it happen the colonel or chief officer of any regiment be out of the limits or precincts of the regiment, for which he is or shall be commissioned, at the time of any invasion, attack or appearance of an enemy, or alarm given from any of the neighbouring towns or regiments, the next commission officer then within the regiment shall have, use and exercise the same powers and authorities herein before granted, until the return of the colonel, or other superiour officer; and such officer so acting shall post away the intelligence thereof, with the occasion for the same, as aforesaid, unto the captain general, or the commander in chief for the time being, and shall attend and observe such directions and orders as he shall receive from the captain general or commander in chief therein.

To post away intelligence to the captain general, &c.

The like power given to the next commission officer in case of the absence of the chief officer.

And for the better preventing of false alarms by disorderly shooting off guns in the night,

SECT. 5. Be it further enacted by the authority aforesaid, that no person or persons whatsoever in any town or garrison, shall during the time of war, or of keeping a military watch in such town or garrison, presume to discharge or shoot off any gun or guns after the sun's setting or before the sun's rising, unless in case of alarm, approach of an enemy, or other necessary defence, on pain that every person, so offending, and being thereof convicted before one or more of his majesty's justices of the peace, shall forfeit and pay the sum of twenty shillings for each gun so discharged, one moiety thereof to and for the use of the poor of the town where the offence shall be committed, and the other moiety to him or them that shall inform or prosecute for the same;

Penalty for shooting off guns after sunset, and before sunrise.

and if such offender shall not have wherewith to answer the said fine, or shall refuse or neglect to pay the same, then he shall be set in the stocks, not exceeding two hours time.

And in case any person so offending be belonging to any garrison or forces in actual service, and borne in his majesty's pay, he shall be punished at the discretion of a court martial, or the commission officers of the garrison, company, or troop whereto he belongs, by putting into the bilboes, laying neck and heels, or riding of the wooden horse.

CHAPTER LXVIII.

AN ACT FOR THE REGULATING OF PRISONERS, AND TO PREVENT ESCAPES.

SECT. 1. **BE** it enacted by his excellency the governor, council and representatives, in general court assembled, and it is enacted by the authority of the same, that every gaoler, or keeper of the king's prisons within the several counties in this province, at the opening of the court of assize and general gaol delivery, court of oyer and terminer, and court of general sessions of the peace, respectively to be holden within such county from time to time, shall return a list and certify unto such court the names of all prisoners then in his custody, with the cause of their commitment, and also the names of all other prisoners that shall be committed unto him during the sitting of any such court, whereby the justices of the said courts respectively may take cognizance thereof, and as well for the king as for the parties may proceed to make deliverance of such prisoners according to law, for the crimes proper to the jurisdiction of such court, on pain that every gaoler or prison keeper, for each default by him made in that respect, shall forfeit such sum as shall be set upon him by the justices of the court, not exceeding ten pounds.

Prison keepers to return a list of their prisoners.

SECT. 2. Be it further enacted by the authority aforesaid, that whosoever breaketh prison, or shall make his escape from an officer, after his being arrested or imprisoned for any crime, his breach of prison or flight shall be accounted and esteemed in the law one evidence to convict him of the crime wherewith he stands charged in the warrant for his apprehension or commitment.

Prison breach or flight to be accounted one evidence.



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ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE FOURTEENTH DAY OF OCTOBER, A.D. 1713.

CHAPTER 6.

AN ACT TO PROHIBIT SHOOTING OR FIRING OFF GUNS NEAR THE ROAD
OR HIGHWAY ON BOSTON NECK.

WHEREAS the limbs and lives of several persons have been greatly endangered, in riding over Boston Neck, by their horses throwing of them, being affrighted, and starting at the firing of guns by gunners that frequent there after game; for preventing whereof for the future,—

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

Penalty.

[SECT. 1.] That no person or persons, from and after the publication of this act, may presume to discharge or fire off any gun upon Boston Neck, within ten rods of the road or highway leading over the same, on pain of forfeiting and paying the sum of twenty shillings for each gun so fired or discharged, one moiety thereof to be to and for the use of the poor in the said town of Boston, and the other moiety to him or them that shall inform, complain and sue for the same; to be recovered before the court of general sessions of the peace within the county, or before any one or more of her majesty's justices of the peace out of court.

Guns to be seized.

[SECT. 2.] And, for the better conviction of persons offending against this act, it shall be lawful, to and for any freeholder, to arrest and take into custody any gun so fired off, and render the same to one of the next justices in Boston, in order to its being produced at the time of tryal. [*Passed October 23; published November 2.*]

CHAPTER 7.

AN ACT AGAINST HAWKERS, PEDLARS, AND PETTY CHAPMEN.

WHEREAS complaint is made of great hurt to and the decay of trade, occasioned by hawkers, pedlars and petty chapmen passing to and fro through the country to vend goods, wares and merchandizes, much of which was probably obtained by robbery and stealing in the time of the late great desolation by fire in the town of Boston (to the grievous loss and oppression of her majesty's good subjects, sufferers in the said calamity), and by frequent robberies and thefts since committed; so that divers men of trades, handycraft men and others, none of the best fame, having left off the exercise of their trades and business, turn hawkers, pedlars and petty chapmen; for remedy of which mischief,—

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-SEVENTH DAY OF AUGUST, A. D.
1746.

CHAPTER 10.

AN ACT IN FURTHER ADDITION TO AN ACT INTITLED "AN ACT FOR
HIGHWAYS."

WHEREAS in and by an act made in the twelfth year of the reign of her late majesty, Queen Ann, intituled "An Act in addition to the law of this province, intituled 'An Act for highways,' made in the fifth year of the reign of the late King William and Queen Mary," provision is made for the laying out particular private ways between any inhabitants or proprietors within their respective towns to or for any original lot, but no power or liberty is therein given for the laying out any such way to any tract of land that is not an original lot, which is oftentimes equally necessary; wherefore,—

Preamble.
1713-14, chap. 8.

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

[SECT. 1.] That the selectmen of each town respectively, and in case of their delay or refusal, his majesty's justices of the peace within the several counties of this province, at any of their general sessions, be and hereby are fully authorized and impowered, by themselves or others, to lay out, or cause to be laid out, particular or private ways as shall be thought necessary, to or for any tract of land not an original lot, as they are by said act of Queen Ann[e], for an original lot; under the same regulations and restrictions, and observing the same rules as are therein specified, directed and provided.

Selectmen, and
in case of their
refusal, the jus-
tices, em-
powered to lay
out highways.

[SECT. 2.] This act to continue in force for the space of three years from the publication thereof, and from thence to the end of the next session of the general court, and no longer. [*Passed and published September 13.**]

Limitation.

CHAPTER 11.

AN ACT TO PREVENT THE FIRING OF GUNS CHARGED WITH SHOT[T]
OR BALL IN THE TOWN OF BOSTON.

WHEREAS by the indiscreet firing of guns laden with shot[t] and ball within the town and harbour of Boston, the lives and limbs of many persons have been lost, and others have been in great danger, as well as other damage has been sustained; for the prevention thereof for the future,—

Preamble.
1713-14, chap. 6.

* The bill was passed to be enacted, by both branches, August 12, but was signed by the Governor as above, and was printed with the acts of this session.

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

Penalty for firing off loaded cannon.

[SECT. 1.] That no person or persons, from and after the publication of this act, shall presume to discharge or fire off any cannon laden with shot[t], from any wharf[f]e or vessel in that part of the harbour of said town which is above the castle, on pain of forfeiting the sum of fifteen pounds for each gun so fired or discharged; one moiety of said penalty to be to and for the use of the poor of said town of Boston, and the other moiety to him or them who shall inform, complain and sue for the same, to be recovered by action, bill, plaint or information, before any of his majesty's courts of record within the county of Suffolk; and upon refusal thereof, such person shall suffer three months' imprisonment[en]t without bail or mainprize.

And be it further enacted,

Penalty for discharging guns or pistols loaded with shot or ball.

[SECT. 2.] That no person shall, from and after the publication of this act, discharge any gun or pistol, charged with shot[t] or ball, in the town of Boston (the islands thereto belonging excepted), or in any part of the harbour between the castle and said town, on pain of forfeiting forty shillings [for] each gun or pistol so fired or discharged, to be recovered before one or more of his majesty's justices of the peace for the county of Suffolk, and disposed of in manner as aforesaid; or shall suffer ten days' imprisonment. And for the more effectual conviction of any person or persons so offending, it shall be lawful for any person to seize and take into custody any gun so fired off, and deliver the same to one of the next justices of the peace in said town of Boston, in order to its being produced at time of trial.

Provided, nevertheless,—

Proviso.

[SECT. 3.] That this law shall not be so construed or understood as to prevent soldiers, in their common-training days, with the leave and by order of the commission officers of the company to which they belong, or other persons, at other times, with the leave of one or more of the field-officers of the regiment in Boston, from firing at a mark or target[t], for the exercise of their skill and judgment, provided it be done at the lower end of the common; nor from firing at a mark, from the several batteries in the town of Boston, with the leave of the captain-general, and nowhere else.

Limitation.

[SECT. 4.] This law to continue and be in force for the space of three years, and no longer. [*Passed and published September 13.*]

CHAPTER 12.

AN ACT IN ADDITION TO THE SEVERAL ACTS FOR THE BETTER REGULATING THE INDIANS.

Preamble.

WHEREAS the several laws already in force are insufficient for the well regulating of the Indian natives of this province in their several plantations,—

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

Three proper persons to be appointed as guardians to the Indians in their respective plantations.

[SECT. 1.] That there be three proper persons appointed, for the future, by this court, near to every Indian plantation in this province, guardians to the said Indians in their respective plantations, who are hereby impowered to take into their hands the said Indians' lands, and allot to the several Indians of the several plantations such parts of the said lands and meadows as shall be sufficient for their particular improvement, from time to time, during the continuance of this act; and the remainder, if any there be, shall be let out by the guardians of the

to be taken out of the next supply, to his honour Spencer Phips, Esq^r., lieutenant-governour and commander-in-chief in and over his majesty's province of the Massachusetts Bay, for his past services, and further to enable him to manage the publick affairs of the province. [*Passed June 21; published June 25.*]

CHAPTER 7.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS OF THIS PROVINCE, THAT ARE EXPIRED [AND] [OR] NEAR EXPIRING.

Preamble.
Unnecessary
journeying of
members.
1733-39, chap. 25.
Preservation of
deer.
1739-40, chap. 3.
To prevent
horses, &c.,
feeding on Ips-
wich Beach.
1739-40, chap. 8.
Private ways.
1739-40, chap. 12.
Relief of poor
prisoners for
debt.
1741-42, chap. 6.
To prevent
spreading the
small-pox.
1742-43, chap. 17.
Multiplicity of
lawsuits.
1742-43, chap. 25.
Regulating the
hospital on
Rainsford
Island.
1743-44, chap. 19.
Commissioners
of sewers.
1745-46, chap. 16.
Views by a jury.
1746-47, chap. 6.
Firing of guns
in Boston.
1746-47, chap. 11.

WHEREAS an act was made and pass'd in the twelfth year of his present majesty's reign, intitl'd "An Act to prevent the unnecessary journeying of the members of the general court"; and also an act was made and pass[e]'d in the thirteenth year of his present majesty's reign, intitl'd "An Act in addition to an act intitl'd 'An Act for the better preservation and increase of deer within this province'"; and also another act was made and pass[e]'d in the thirteenth year of his present majesty's reign, intitl'd "An Act for the effectual preventing of horses, neat cattle, sheep and swine from running at large or feeding upon a certain island, called Plumb Island, lying in Ipswich Bay, in the county of Essex"; and another act was made and pass[e]'d in the thirteenth year of his present majesty's reign, intitl'd "An Act in addition to the several laws of this province relating to common roads and private ways"; and also another act was made and pass[e]'d in the fifteenth year of his present majesty's reign, intitl'd "An Act for the rel[ei][ie]f of poor prisoners for debt"; and also another act was made and pass[e]'d in the sixteenth year of his present majesty's reign, intitl'd "An Act to prevent the spreading of the small-pox and other infectious sickness, and to prevent the concealing of the same"; and also another act was made and pass[e]'d in the same year, intitl'd "An Act to prevent the multiplicity of lawsuits"; and also another act was made and pass[e]'d in the seventeenth year of his present majesty's reign, intitl'd "An Act for regulating the hospital on Rainsford's Island, and further providing in case of sickness"; and also another act was made and pass[e]'d in the nineteenth year of his present majesty's reign, intitl'd "An Act in addition to the act intitl'd 'An Act for appointing commissioners of sewers'"; and also an act was made and pass[e]'d in the twentieth year of his present maj[es]ty's reign, intitl'd "An Act relating to views by a jury in civil actions"; and another act was made and pass[e]'d in the same year, intitl'd "An Act to prevent the firing of guns charged with shot or ball, in the town of Boston";—all which laws are expired or near expiring: *and whereas* the afores[ai]d laws have, by experience, been found beneficial for the several purposes for which they were made and pass[e]'d,—

Be it therefore enacted by the Lieut[enan]t-Governour, Council and House of Repres[entati]ves,

That all and every of the afores[ai]d acts, and every matter and clause therein contained, be and hereby are continued and revived, and shall continue and remain in full force for the space of three years from the first day of July next, and no longer. [*Passed June 22; published June 25.*]

Said laws con-
tinued.

such offence, the sum of twenty pounds, to be recovered in any of his majesty's courts of record proper to try the same; one moiety to him who shall sue for the same, the other moiety to the poor of the town where the offence shall be committed.

And whereas it has been found by experience that saw-dust, floating in streams where fish pass, obstruct[s] their passage, —

Be it further enacted,

Saw-mills not to work during the time of keeping open the passages aforesaid, on penalty.

[SECT. 5.] That none of the saw-mills on the said river, or any of the streams run[n]ing from natural ponds into the said river, shall be suffered to go, between the last day of April and the first day of June, annually, during the continuance of this act, for cutting any wood or timber; and every owner or occupier of such mill, who, within the term aforesaid, shall use or suffer the same to be used or employed for such purpose, as aforesaid, shall incur the penalty of twenty pounds, to be recovered and disposed of in the same manner as aforesaid.

[SECT. 6.] This act to continue and be in force until the fifteenth day of April, one thousand seven hundred and seventy-six, and no longer. [*Passed and published March 6, 1773.*]

CHAPTER 52.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED, OR NEAR EXPIRING.

Preamble.
Act for overseers of poor and selectmen to take care of idle and disorderly persons. 1736-37, chap. 4.
Act to prevent unnecessary journeying of members of the general court. 1738-39, chap. 25.
Act relating to common roads. 1739-40, chap. 12.
Acts referring to the poor. 1740-41, chap. 20.
1741-42, chap. 4.
Act for regulating the militia. 1742-43, chap. 16.
Act to prevent unnecessary lawsuits. 1742-43, chap. 19.
Act regulating assize of cask and packing of beef, &c., for sale. 1742-43, chap. 20.
Act to prevent gaming for money. 1742-43, chap. 27.
136 Mass., 528.
Act to prevent unnecessary expense in lawsuits. 1743-44, chap. 23.
Act to prevent firing of guns with shot in the

WHEREAS the several acts hereinafter mentioned, which are expired, or near expiring, have been found useful and beneficial; viz^d, one act made in the ninth and tenth year[s] of the reign of his late majesty, King George the Second, intitled "An Act to enable the overseers of the poor and selectmen, to take care of idle and disorderly persons;" one act made in the twelfth year of the same reign, intitled "An Act to prevent the unnecessary journeying of the members of the general court;" one act made in the thirteenth year of the same reign, intitled "An Act in addition to the several laws of this province, relating to common roads and private ways;" one act made in the fourteenth year of the same reign, intitled "An Act for explanation of, and supplement to, the acts referring to the poor, &c.;" one act made in the fifteenth year of the same reign, intitled "An Act in addition to an act, intitled 'An Act for explanation of, and supplement to, an act referring to the poor';" four acts made in the sixteenth year of the same reign; one, intitled "An Act for making more effectual an act intitled 'An Act for regulating the militia';" another act intitled "An Act to prevent unnecessary lawsuits;" another act intitled "An Act in addition to the several acts for regulating the assize of casks, and preventing deceit in the packing of fish, beef and pork for sale;" the other act intitled "An Act to prevent gaming for money, or other gain;" one act made in the eighteenth year of the same reign, intitled "An Act to prevent unnecessary expence in suits at law;" three acts made in the twentieth year of the same reign; one, intitled "An Act to prevent the firing of guns charged with shot or ball, in the town of Boston;" another, intitled "An Act in further addition to an act, intitled 'An Act for highways';" the other act intitled "An Act to enable the proprietors of private ways to repair them in an equal manner;" one act made in the twenty-second year

of the same reign, intituled “An Act to prevent damage being done on the beach, and meadows in Plymouth adjoining to said beach, commonly known by the name of Plymouth Beach;” two acts made in the twenty-fourth year of the same reign; one, intituled “An Act for the better regulation of the course of judicial proceedings;” the other act intituled “An Act to [e][i]mpower the proprietors of the meeting-house in the first parish in Salem, where the Reverend Mr. John Sparhawk now officiates, and also the proprietors of the meeting-house in the third parish in Newbury, where the Reverend Mr. John Lowell officiates, to raise money for defreying ministerial and other necessary charges;” one act made in the twenty-ninth year of the same reign, intituled “An Act for preventing petitions to the general court relating to licences for retailing strong drink and keeping houses of publick entertainment;” one act made in the thirtieth year of the same reign, intituled “An Act for preventing the unnecessary destruction of alewives in the town of Sandwich;” one act made in the thirty-third year of the same reign, intituled “An Act to enable the town of Weymouth to regulate and order the taking and disposing of the fish called shadd and alewives, within the limits of that town;” three acts made in the second year of his present majesty’s reign; one act intituled “An Act to prevent damage by fire in the towns of Salem, Marblehead, and other maritime towns in the province;” another act intituled “An Act to prevent damage being done on the meadows and beaches lying in and adjoining on the north-east part of the town of Yarmouth, between Qvivit Harbour, on the east, and Sesuit Harbour, on the west;” the other act intituled “An Act for [for] rendering more effectual the laws already made relating to shingles, and for regulating the assize of staves, hoops and clapboards;” two acts made in the third year of the said reign; one act intituled “An Act for the relief of poor prisoners for debt;” the other act intituled “An Act in addition to the act made and passed in the eighth year of the reign of her late majesty, Queen Anne, intituled ‘An Act for regulating of drains or common shores;’” one act made in the fifth year of the said reign, intituled “An Act for allowing necessary supplies to the eastern Indians, and for regulating trade with them and preventing abuses therein;” two acts made in the eleventh year of said reign; one, intituled “An Act for regulating the alewife fishery in the town of Bridgewater;” the other act intituled “An Act to prevent the obstructing and destroying of the fish called alewives, in their passage up and down Maddpayset River, within the town of Rochester,” —

Be it therefore enacted by the Governor, Council and House of Representatives,

That such of the before-mentioned acts as are now expired be revived; and such of the said acts as are not yet expired be continued, with all and every clause, matter and thing therein respectively contained, and shall be in force until the first day of November, one thousand seven hundred and seventy-eight, and from thence to the end of the then next session of the general court, and no longer. [*Passed and published March 6, 1773.*]

NOTES. — There were two sessions of the General Court this year. The first session, which was convened at Cambridge, May 27, was adjourned by the Governor, June 13, to meet at the court-house at Boston, on the sixteenth of the same month, where it continued until its prorogation on the fourteenth of July. The second session was held at Boston, beginning Jan. 6, 1773, and continuing there until March 6, when the Assembly was dissolved.

Twenty-five public acts and one private act were passed at the first session, the engrossments of all of which are preserved, and all were printed except the private act the title of which is as follows:—

“An Act for changing the Christian name of Willard Wheeler from Willard to William Willard.” — [*Passed July 14, 1772.*]

town of Boston. 1746-47, chap. 11.
Act for high-ways. 1746-47, chap. 10.
1746-47, chap. 13.
Act to prevent damage on beach and meadows on Plymouth Beach. 1748-49, chap. 13.
Act for regulation of judicial proceedings. 1751-52, chap. 17.
Act empowering proprietors of meeting-houses in Salem and Newbury. 1751-52, chap. 19.
Act to prevent petitions to the general court. 1755-56, chap. 39.
Act to prevent destruction of alewives in Sandwich. 1756-57, chap. 32.
Act regulating taking fish in Weymouth. 1759-60, chap. 32.
Act to prevent damage by fire in Salem and Marblehead. 1761-62, chap. 26.
Act to prevent damage on meadows, &c., in Yarmouth. 1761-62, chap. 31.
Act relating to shingles, staves, hoops, &c. 1762-63, chap. 5.
Act for relief of poor persons for debt. 1762-63, chap. 18.
Act for regulating drains or common shores. 1762-63, chap. 27.
Supplies to eastern Indians. 1764-65, chap. 30.
Regulating fish in Bridgewater. 1770-71, chap. 3.
Ditto in Mattapoisett River. 1770-71, chap. 4.

Continuation.

CHAPTER 17.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED, AND NEAR EXPIRING.

WHEREAS the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful and beneficial; viz⁽¹⁾, one act made in the year of our Lord one thousand seven hundred and thirty-six, [i][e]ntitled “An Act to enable the overseers of the poor, and selectmen, to take care of idle and disorderly persons;” one act made in the year of our Lord one thousand seven hundred and thirty-eight, [i][e]ntitled “An Act to prevent the unnecessary journeying of the members of the general court;” one act made in the year of our Lord one thousand seven hundred and thirty-nine, [i][e]ntitled “An Act in addition to the several laws of this province relating to common roads and private ways;” one act made in the year of our Lord one thousand seven hundred and forty, [i][e]ntitled “An Act for expl[a][i]nation of, and supplement to, the act referring to the poor, &c. ;” one act made in the year of our Lord one thousand seven hundred and forty-one, [i][e]ntitled “An Act in addition to an act [i][e]ntitled ‘An Act for explanation of, and supplement to, an act referring to the poor;’” three acts made in the year of our Lord one thousand seven hundred and forty-two; one, [i][e]ntitled “An Act to prevent unnecessary lawsuits;” another, [i][e]ntitled “An Act in addition to the several acts for regulating the assize of easks, and preventing deceits in the packing of fish, beef and pork, for sale;” the other, [i][e]ntitled “An Act to prevent gaming for money or other gain;” one act made in the year of our Lord one thousand seven hundred and forty-four, [i][e]ntitled “An Act to prevent unnecessary expence in suits at law;” three acts made in the year of our Lord one thousand seven hundred and forty-six; one, [i][e]ntitled “An Act to prevent the firing of guns charged with shot or ball, in the town of Boston;” another, [i][e]ntitled “An Act in further addition to an act [i][e]ntitled ‘An Act for highways:’” the other is [i][e]ntitled “An Act to enable the proprietors of private ways to repair them in an equal manner;” one act made in the year of our Lord one thousand seven hundred and forty-eight, [i][e]ntitled “An Act to prevent damage being done on the beach, and meadows in Plymouth adjoining to said beach, commonly known by the name of Plymouth Beach;” two acts made in the year of our Lord one thousand seven hundred and fifty-one; one, [i][e]ntitled “An Act for the better regulation of the course of judicial proceedings;” the other, [i][e]ntitled “An Act to [i][e]mpower the proprietors of the meeting-house in the first parish in Salem, where the Rev[erend] Mr. John Sparhawk now officiates, and also the proprietors of the meeting-house in the third parish in Newbury, where the Rev[erend] Mr. John Lowell officiates, to raise money for defreying ministerial and other necessary charges;” one act made in the year of our Lord one thousand seven hundred and fifty-six, [i][e]ntitled “An Act for preventing petitions to the general court, relating to licences for retailing strong drink, and keeping houses of public entertainment;” one act made in the year of our Lord one thousand seven hundred and fifty-seven, [i][e]ntitled “An Act for preventing the

Preamble.

Recital of laws
now revived.
1736-37, chap. 4.

1738-39, chap. 25.

1739-40, chap. 12.

1740-41, chap. 20.

1741-42, chap. 4.

1742-43, chap. 19.

1742-43, chap. 20.
136 Mass., 528.

1742-43, chap. 27.

1743-44, chap. 23.

1746-47, chap. 11.

1746-47, chap. 10.

1746-47, chap. 18.

1748-49, chap. 13.

1751-52, chap. 17.

1751-52, chap. 19.

1755-56, chap. 39.

1756-57, chap. 32.

- unnecessary destruction of alewives in the town of Sandwich ;” one act made in the year of our Lord one thousand seven hundred and
- 1759-60, chap. 32. sixty, [i][e]ntitled “ An Act to enable the town of Weymouth to regulate and order the taking and disposing of the fish called shad[d] and alewives, within the limits of that town ;” three acts made in the year of our Lord one thousand seven hundred and sixty-two ; one,
- 1761-62, chap. 26. [i][e]ntitled “ An Act to prevent damage by fire in the town[s] of Salem, Marblehead, and other maritime towns in the province ; another, [i][e]ntitled “ An Act to prevent damage being done on the meadows and beaches lying in and adjoining on the north-east part of the town of Yarmouth, between Quivit Harbo[u]r, on the east, and Sesuit Harbo[u]r, on the west ;” the other, [i][e]ntitled, “ An Act for rendering more effectual the laws already made relating to shingles, and for regulating the assize of staves, hoops and clapboards ;” two acts made in the year of our Lord one thousand seven hundred and
- 1762-63, chap. 18. sixty-three ; one, [i][e]ntitled “ An Act for the relief of poor prisoners for debt ;” the other, [i][e]ntitled “ An Act in addition to the
- 1762-63, chap. 27. act made and passed in the eight[h] year of the reign of her late majesty Queen Ann, [i][e]ntitled ‘ An Act for regulating of drains or common shores ;’” one act made in the year of our Lord one thousand seven hundred and sixty-four, [i][e]ntitled “ An Act in addition to an act, [i][e]ntitled ‘ An Act providing in case of sickness ;’” one act made in the year of our Lord one thousand seven hundred and
- 1764-65, chap. 12. sixty-five, [i][e]ntitled “ An Act for allowing necessary supplies to the east[ern][ward] Indians, and for regulating trade with them and preventing abuses therein ;” one act made in the year of our Lord
- 1764-65, chap. 30. one thousand seven hundred and seventy, [i][e]ntitled “ An Act to prevent the obstructing and destroying of the fish called alewives, in their passage up and down Maddepayset River, within the town of Rochester ;” two acts made in the year of our Lord one thousand
- 1770-71, chap. 4. seven hundred and seventy-one ; one, [i][e]ntitled “ An Act to empower the inhabitants of the town of Dartmouth to regulate the taking of fish, within the harbo[u]rs and coves of said township of [of] Dartmouth ;” the other, [i][e]ntitled “ An Act to prevent damage being done to the proprietors of the meadow, upland and beach, called Great and Little Scipuiszet, in the town of Falmouth and county of Barnstable ;” one act made in the year of our Lord one thousand seven
- 1771-72, chap. 13. hundred and seventy-two, [i][e]ntitled “ An Act in addition to an act, made in the fifth year of the reign of his present majesty, [i][e]ntitled ‘ An Act to prevent the destruction of oysters in the several bays and rivers, hereafter mentioned, within this province ;’” one act made in the year of our Lord one thousand seven hundred and
- 1772-73, chap. 48. seventy-three, [i][e]ntitled “ An Act for regulating the alewife fishery in the town of Halifax, in the county of Plymouth ;” one act made in the year of our Lord one thousand seven hundred and seventy-six, [i][e]ntitled “ An Act for preventing the operation of an act made in the year of our Lord one thousand seven hundred and seventy, [i][e]ntitled ‘ An Act for repealing the several laws now in force which relate to the limitation of personal actions, and the limitation of personal actions for the future, and for avoiding suits at law ;’” two acts made in the year of our Lord one thousand seven
- 1776-77, chap. 25. hundred and seventy-seven ; one, [i][e]ntitled “ An Act to prevent the pernicious practice of distilling, into any kind of spirit whatever, cyder, wheat, Indian corn, rye, barley and oats, or either of them ;”
- 1777-78, chap. 3. the other, [i][e]ntitled “ An Act to oblige persons to attend and give evidence, in certain cases, in the neighbouring states,” —
- 1777-78, chap. 5.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

That such of the before-mentioned acts as are now expired, be revived, and such of said acts as are not yet expired, be continued, with all and every clause, matter and thing therein respectively contained, and shall be in force until the first day of November, one thousand seven hundred and eighty-two, and from thence to the end of the then next session of the general court, and no longer.
[Passed October 5.]

Said laws to be in force until the first day of November, 1782.

CHAPTER 18.

AN ACT FOR DIVIDING AND SETTING OFF THE WESTERLY PART OF THE TOWN OF NEWTON, IN THE COUNTY OF MIDDLESEX, INTO A SEPARATE PRECINCT BY THE NAME OF THE WEST PRECINCT.

WHEREAS, for the greater conveniency of attending the public worship of God, and the promotion of the Christian religion, it is found necessary to divide and set off the westerly part of the town of Newton into a separate precinct, —

Preamble.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That the westerly part of the town of Newton shall be and hereby is set off into a separate precinct by the name of the West Precinct; and the said westerly part of the land in said town is accordingly hereby set off, by a line beginning on the bank of Charles River, at the south-easterly corner of a farm possessed by Samuel Woodward; from thence, on a direct line, to the south-easterly part of land improved by Daniel Fuller, and to continue, the same straight course, to Watertown line; and such of the inhabitants of said town as have not petitioned to be set off, as aforesaid, that shall fall on either side of the aforesaid line, and shall choose to belong to, and be part of the precinct on the other side of said line, who shall, within six months from the date of this act, give their names into the secretary's office, of this state, they, with their estates, shall be recorded as part of, the precinct they shall so choose, and shall do duty and receive privileges accordingly; and such persons as belong to said town and are now in the army, or beyond sea, shall, within six months after their return, enjoy the same privilege.

Boundaries of the West Precinct in the town of Newton.

Inhabitants may choose which parish they will belong to.

Be it further enacted,

[SECT. 2.] That if there be any tracts or parcels of land lying in either precinct, which belong to, and are under the immediate improvement of any person belonging to the other precinct, such lands shall be taxed to that parish to which such improver belongs, so long as it shall remain under the improvement of a person under the above description, and no longer.

What lands shall be taxed.

And be it further enacted,

[SECT. 3.] That the said West Precinct shall be and hereby is invested with all the rights, privileges and immunities which, by law, other precincts enjoy.

And be it further enacted,

[SECT. 4.] That all monies already assessed by said town be col-

Taxes already

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That a Sum not exceeding Two Thousand Pounds be raised by a Lottery or Lotteries, for and to the Purpose of re-building the said Mills; and that John Pitts and John White, Esquires, and Mr. William Paine, or any two of them, shall be Managers of the said Lottery or Lotteries, who shall be sworn to the faithful Performance of their Trust; which said Managers shall make and publish in such News Papers as they shall judge proper, a Scheme for the said Lottery or Lotteries, as soon as may be; and they shall also publish therewith all necessary Rules and Regulations for the Management thereof. And all Prizes which may be drawn in the said Lottery or Lotteries, shall be paid without any Deduction, provided they are demanded within Six Months after the Drawing of the said Lottery or Lotteries, otherwise the Money arising from such Prizes, shall be appropriated to the Purpose aforesaid.

£2000 to be raised by Lottery.

Names of the Managers.

And be it further enacted, That if any Person shall forge, counterfeit, or alter any Lottery Ticket issued by Virtue of this Act, or shall pass or utter any such forged, counterfeited or altered Ticket, knowing the same to be false, forged, counterfeited or altered, or shall advise or assist in forging, altering, or counterfeiting the same, every Person so offending, and being thereof convicted before the Supreme Judicial Court of this Commonwealth, shall be punished by being set on the Gallows for the Space of one Hour, with a Rope round his Neck, or shall pay a Fine not exceeding One Hundred Pounds, to the Use of this Commonwealth, or suffer not more than Twelve Months Imprisonment, nor less than Two, or be publicly whipped, not exceeding Thirty-nine Stripes, at the Discretion of the said Supreme Judicial Court, according to the Nature and Circumstances of the Offence.

Persons guilty of Forgery.

Penalty.

February 26, 1783.

1782. — Chapter 46.

[January Session, ch. 13.]

AN ACT IN ADDITION TO THE SEVERAL ACTS ALREADY MADE FOR THE PRUDENT STORAGE OF GUN POWDER WITHIN THE TOWN OF BOSTON.

Chap. 46

Whereas the depositing of loaded Arms in the Houses of the Town of Boston, is dangerous to the Lives of those who

Preamble.

are disposed to exert themselves when a Fire happens to break out in the said Town :

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That if any Person shall take into any Dwelling House, Stable, Barn, Out House, Ware House, Store, Shop, or other Building within the Town of *Boston*, any Cannon, Swivel, Mortar, Howitzer, Cohorn, or Fire Arm, loaded with, or having Gun Powder in the same, or shall receive into any Dwelling House, Stable, Barn, Out House, Store, Ware House, Shop, or other Building, within the said Town, any Bomb, Grenade, or other Iron Shell, charged with, or having Gun Powder in the same, such Person shall forfeit and pay the Sum of *Ten Pounds*, to be recovered at the Suit of the Firewards of the said Town, in an Action of Debt, before any Court proper to try the same; one Moiety thereof to the Use of the said Firewards, and the other Moiety to the Support of the Poor of the Town of *Boston*.

And be it further enacted by the Authority aforesaid, That all Cannon, Swivels, Mortars, Howitzers, Cohorns, Fire Arms, Bombs, Granades, and Iron Shells of any Kind, that shall be found in any Dwelling House, Out House, Stable, Barn, Store, Ware House, Shop, or other Building, charged with, or having in them any Gun Powder, shall be liable to be seized by either of the Firewards of the said Town: And upon Complaint made by the said Firewards to the Court of Common Pleas, of such Cannon, Swivels, Mortars, or Howitzer, being so found, the Court shall proceed to try the Merits of such Complaint by a Jury; and if the Jury shall find such Complaint supported, such Cannon, Swivel, Mortar, or Howitzer, shall be adjudged forfeit, and be sold at public Auction; and one Half of the Proceeds thereof shall be disposed of to the Firewards, and the other Half to the Use of the Poor of the Town of *Boston*. And when any Fire Arms, or any Bomb, Grenade, or other Shell, shall be found in any House, Out House, Barn, Stable, Store, Warehouse, Shop, or other Building, so charged, or having Gun Powder in the same, the same shall be liable to be seized in Manner aforesaid; and on Complaint thereof, made and supported before a Justice of the Peace, shall be sold and disposed of as is above provided for Cannon.

Be it further enacted, That Appeals shall be allowed in Prosecutions upon this Act as is usual in other Cases.

March 1, 1783.

Persons prohibited taking into their Dwellings, &c. any piece of Ordnance loaded with Gun Powder.

Penalty.

Pieces of Ordnance charged with Gun Powder found in any Dwelling-House, &c. liable to be seized.

How disposed of in Cases of Forfeiture.

Appeals allowed.



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provisions of the chapter relate to the proprietors of meeting-houses.

SEC. 2. The said corporation may hold real and ^{Estate.} personal estate, the annual income of which shall not exceed the sum of two thousand five hundred dollars: *provided*, the same be appropriated exclusively to parochial purposes.

[Approved by the Governor, February 23, 1838.]

CHAP. XVI.

An Act relating to the Boston Asylum and Farm School for Indigent Boys.

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

The Boston Asylum and Farm School for Indigent Boys, are hereby authorized to bind out boys to citizens of any of the New England States, in like manner and upon the same terms as they now may to citizens of this Commonwealth.

[Approved by the Governor, February 23, 1838.]

CHAP. XVII.

An Act to incorporate the Proprietors of the Rural Cemetery in Worcester.

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

SEC. 1. Nathaniel Paine, Samuel M. Burnside, ^{Persons incorpo-} Ira Barton, Rejoice Newton, and their associates, ^{rated.}

with such other persons as shall become proprietors of lots of land containing not less than two hundred square feet in the cemetery herein after mentioned, and their successors, are hereby made a corporation, by the name of the Proprietors of the Rural Cemetery in Worcester; and said corporation shall have all the powers and privileges provided in the forty-fourth chapter of the Revised Statutes.

May take a deed of gift.

SEC. 2. Said corporation may take, from the Honorable Daniel Waldo, a deed of gift in fee simple of a certain lot of land in the town of Worcester, lying and being about three-fourths of a mile north of the court-house, on the easterly side of the new Holden road; and may hold the same, and may take and hold, by purchase or otherwise, land adjoining thereto, in fee simple, not exceeding twenty acres in addition to said lot, for the purposes herein after provided; and may also take and hold personal property, not exceeding in amount ten thousand dollars, to be applied to purposes connected with, and appropriate to the objects of said corporation.

May hold additional land.

May hold personal estate.

Powers of the corporation.

SEC. 3. Said corporation shall take and hold said land, and such other land as they are authorized to obtain by the authority of this act, as and for a rural cemetery, or burying-ground; and for the erection of tombs, cenotaphs, or other monuments, for or in memory of the dead, and for no other purpose; and shall have power to lay out the same in suitable lots or subdivisions for family, or other burying-places; to plant and embellish the same with trees, shrubbery, and other rural ornaments, to enclose the same with suitable walls or fences, and to make and annex thereto other suitable appendages as said corporation may from time to time deem expedient; to erect on said premises a dwelling-house with suita-

ble appendages thereto ; to set off a portion of said land as a garden ; to grant and convey to any person or persons the sole and exclusive right of burial, and of erecting tombs and cenotaphs, and of ornamenting any designated lot or subdivision, upon such terms and conditions, and subject to such regulations, as said corporation shall prescribe ; and any right so granted and conveyed shall be held for the purposes aforesaid, and for none other, as real estate, by the proprietor or proprietors thereof, and shall not be subject to attachment or execution, nor be liable to taxation, nor shall said corporation be liable to be taxed for said land.

Cemetery exempt, &c., from taxes.

SEC. 4. Any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone, or other structure placed in the cemetery aforesaid ; or any fence surrounding said land ; or any fence, railing or other work erected for the protection or ornament of any tomb, monument, grave-stone or other structure, aforesaid, or of any cemetery lot ; or shall wilfully destroy, remove, cut, break or injure any tree, shrub, or plant, within the limits of said garden or cemetery ; or shall shoot or discharge any gun or other fire-arms within the said limits, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any justice of the peace, or other court of competent jurisdiction, shall be punished by a fine not less than five dollars, nor more than one hundred dollars, according to the nature and aggravation of the offence ; and such offender shall also be liable to an action of trespass, to be brought in any court of competent jurisdiction in the name of the proprietors of said cemetery, to pay all damages which shall have been occasioned by his or her unlawful act or acts ; which money, when

Penalty for destroying, &c.

Offender liable in an action for trespass, &c.

recovered, shall be applied, by the trustees of said corporation, to the reparation and restoration of the property destroyed or injured as aforesaid; and members of said corporation shall be competent witnesses in such suit.

Lawful for corporation to hold any grant, &c., of property.

SEC. 5. Said corporation may take and hold any grant, donation, devise or bequest of any property in trust; to apply the same, or the income thereof, under the direction of the board of trustees, for the improvement or embellishment of said cemetery, or of the house and garden aforesaid, or for repairing any fence, tomb, grave-stone, or railing, around or on said cemetery, according to the terms of such grant, donation, devise or bequest; and the supreme judicial court, or any other court having equity jurisdiction, shall have power to compel the execution of such trust.

In case of the death of any proprietor, devisee or heir at law entitled to, &c.

SEC. 6. Said lots shall be indivisible, and upon the decease of any proprietor of a lot in said cemetery containing not less than two hundred square feet, the heirs at law or devisees of such lot, as the case may be, shall be entitled to all the privileges of membership: *provided, however*, that if there be more than one heir at law or devisee of such lot, and they do not agree in writing, and file such agreement with the clerk of said proprietors, within six months from the decease of the owner, the board of trustees shall designate and enter of record, which of said heirs at law or devisees shall represent said lot and vote in the meetings of said corporation; which designation shall continue in force until said heirs or devisees shall make and file such agreement in manner aforesaid, or until, by reason of death, removal, or other sufficient cause, another designation shall become necessary; and in making any such designation, the

When more than one devisee or heir at law, trustees to designate, &c.

trustees shall, as far as may conveniently be done, give preference to males over females, to proximity of blood, and to priority of age, having due regard, however, to proximity of residence. Preference to be given to males.

SEC. 7. This act shall take effect from and after its passage.

[Approved by the Governor, February 23, 1838.]

CHAP. XVIII.

An Act to incorporate the First Independent Baptist Church and Society in Boston.

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

SEC. 1. Samuel Jasper, Thomas Dalton, and Coffin Pitts, their associates and successors, are hereby made a corporation, by the name of the First Independent Baptist Church and Society in Boston, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the twentieth chapter of said statutes, which relates to parishes and religious societies. Persons incorporated.

SEC. 2. Said corporation may hold real and personal estate, the annual income of which shall not exceed the sum of two thousand dollars: *provided*, the same be appropriated exclusively to parochial purposes. Estate.

[Approved by the Governor, February 23, 1838.]



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SECT. 2. All acts and parts of acts, inconsistent herewith, Inconsistent acts repealed.
are hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 5, 1856.*]

AN ACT to incorporate the Oxford Hotel Company.

Chap. 153

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

SECT. 1. A. G. Underwood, Horace S. DeWitt, James Corporators.
Bacon, their associates and successors, are hereby made a
corporation, under the name of the Oxford Hotel Company, Name.
for the purpose of erecting a hotel in the town of Oxford, Purpose.
and maintaining such public house and the buildings and
improvements connected therewith; and for these purposes Privileges, re-
strictions, &c.
shall have all the powers and privileges, and be subject to all
the duties, restrictions and liabilities, set forth in the forty-
fourth chapter of the Revised Statutes: *provided*, that said Proviso.
corporation shall not carry on the business of hotel-keeping,
or be in way interested in such business.

SECT. 2. The whole amount of real and personal estate, Real and personal
estate, \$30,000.
or capital stock which said corporation may hold for the
purposes aforesaid, shall not exceed thirty thousand dollars.
[*Approved by the Governor, May 5, 1856.*]

AN ACT to incorporate the Proprietors of Oak Grove Cemetery.

Chap. 154

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

SECT. 1. Eben H. Stacy, Hermann E. Davidson, Benja- Corporators.
min K. Hough, Frederick Norwood, Epes W. Merchant and
Edward Babson, together with such other persons as shall
become proprietors of lots in the cemetery hereinafter men-
tioned, their successors and assigns, are hereby made a cor-
poration, by the name of the proprietors of Oak Grove Name.
Cemetery; and said corporation shall have all the powers Privileges, re-
strictions, &c.
and privileges, and be subject to all the duties, restrictions
and liabilities, set forth in the forty-fourth chapter of the
Revised Statutes, except as is otherwise provided in this act.

SECT. 2. The said corporation may take and hold, by May hold thirty
acres of land, and
personal property
not exceeding
\$20,000.
purchase or otherwise, in fee simple, for the purposes hereinafter
provided, a tract of land, not exceeding thirty acres,
situate at and near a place called Oak Grove, in the town of
Gloucester, and may also take and hold personal property,
not exceeding in amount twenty thousand dollars, to be

applied to objects connected with, and appropriate to, the purpose of said corporation.

Powers of corporation.

SECT. 3. The said corporation shall take and hold the aforesaid land, for a rural cemetery or burial-ground, and for the erection of tombs, cenotaphs, or other monuments, for, or in memory of, the dead; and, for this purpose, shall have power to lay out the same in suitable lots or subdivisions, for family, or other burying places; to plant and embellish the same with trees, shrubbery, and other rural ornaments; to enclose and divide the same with suitable walls or fences; and to construct and annex thereto such suitable buildings, appendages, and other conveniences, as said corporation shall, from time to time, deem expedient.

Deeds of conveyance, &c.

SECT. 4. The said corporation shall have authority to grant and convey to the town of Gloucester, any portion of the land aforesaid, for a public burial-ground, and also, to grant and convey to any person or persons, the sole and exclusive right of burial, and of erecting tombs and cenotaphs, and of ornamenting any designated lot or subdivision, upon such terms and conditions, and subject to such regulations, as said corporation shall prescribe, which right, so granted and conveyed, shall be held for the purposes aforesaid, and for none other, as real estate, by the proprietor or proprietors thereof, and shall not be subject to attachment or execution, or to be applied to the payment of debts by assignment, under any insolvent law.

Exempt from taxation.

SECT. 5. The land aforesaid shall be, and is hereby declared exempted from all public taxes, so long as the same shall remain dedicated to the purposes of a cemetery.

Penalty for wilful destruction, &c.

SECT. 6. Any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone, or other structure placed in the cemetery aforesaid, or any fence, railing or other work erected for the protection or ornament of any tomb, monument, grave-stone, or other structure, aforesaid, or any cemetery lot, or shall wilfully destroy, remove, cut, break or injure any tree, shrub or plant, within the limits of said cemetery; or shall shoot, or discharge any gun or other fire-arms, within the said limits, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, or other court of competent jurisdiction, shall be punished by a fine not less than five dollars, nor more than one hundred dollars, according to the nature of the offence; and such offender shall also be liable to an action of trespass, to be brought in any court of competent jurisdiction, in the name of said corporation, to pay all damages which shall have been occasioned

Also liable to action for trespass, &c.

by his or her unlawful act or acts; which money, when recovered, shall be applied by the trustees of said corporation, to the reparation and restoration of the property destroyed or injured, as aforesaid; and members of said corporation shall be competent witnesses in such suit.

SECT. 7. The lots in said cemetery which may be granted Lots not divisible. and conveyed as before provided, shall be indivisible; and upon the decease of any proprietor of a lot, the heirs at law or devisees of such lot, as the case may be, shall be entitled to all the privileges of membership: *provided, however,* that Proviso. if there be more than one heir at law or devisee of such lot, and they do not agree in writing, and file such agreement with the clerk of said corporation, within six months from the decease of the owner, the board of trustees of said corporation shall designate and enter of record which of said heirs at law or devisees shall represent said lot, and vote in the meetings of said corporation, which designation shall continue in force until said heirs or devisees shall make and file such agreement in manner aforesaid, or until, by reason of death, removal, or other sufficient cause, another designation shall become necessary; and in making such designation the trustees shall, as far as may conveniently be done, give preference to males over females, to proximity of blood, and to priority of age, having due regard, however, to proximity of residence.

SECT. 8. The said corporation may take and hold any Corporation may hold grants, &c., in trust. grant, donation or bequest of property, in trust, to apply the same, or the income thereof, for the improvement or embellishment of the said cemetery, or of any buildings, structures or fences, erected or to be erected therein, or for the repair, preservation, or renewal of any tomb, monument, grave-stone, fence or railing, or other erection in or around any cemetery lot, according to the terms of such grant, donation or bequest; and the supreme judicial court, or any court having Courts may compel execution of trust. equity jurisdiction, shall have power to compel the execution of such trust.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, May 5, 1856.*]

AN ACT incorporating the Roxbury Institute.

Chap. 155

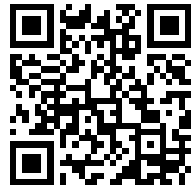
Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. James Ritchie, Francis Hilliard, William Whit- Corporators. ing, their associates and successors, are hereby made a cor-

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Gift of
Col. Henry Lee,
of Boston.

10 June, 1885.

CITY CHARTER
— AND —
REVISED ORDINANCES

— OF THE —
CITY OF FALL RIVER. —
WITH APPENDIX.



PUBLISHED BY ORDER OF THE CITY COUNCIL.

FALL RIVER, MASS.
PRINTED BY ALMY, MILNE & Co., NEWS BUILDING.
1879.

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1885, June 10,
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Col. Henry Lee,
of Boston.

and if it appears that such representation is correct, shall after giving the notice required in laying out a similar road or way, proceed to ascertain the correct location thereof and report the same to the city council, and if after such action taken thereon as is required in section six of this ordinance to be taken on the report of the mayor and aldermen in laying out any street, the city council shall adopt the same, the location named in said report shall be established, and shall be recorded by the city clerk within ten days thereafter, as provided in section two of this ordinance.

CHAPTER XXVIII.

STREETS.—ABUSES THEREIN.

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Mayor and aldermen may grant license to dig up, obstruct, etc. 2. For deposit of lumber, etc., a written license required. 3. Obstructions to be properly designated and guarded. 4. Cautionary measures to be taken. 5. No permanent obstructions. 6. Entrances to cellars to be covered, unless, etc. 7. No sweeping into streets. 8. Night obstructions guarded. 9. Driving; rate of speed. 10. Animals and vehicles off sidewalks. | <ol style="list-style-type: none"> 11. Snow to be spread, when thrown on street. 13. Sidewalks kept clear of snow. 14. Gaming prohibited therein. 15. No booth or stall without permission. 16. No shooting allowed therein. 17. No defacing or destroying. 18. All swearing, indecency, rudeness, etc., forbidden. 19. No "riding behind." 20. No spouts to flow sidewalks. 21. No posts to be erected. 22. Concerning awnings and shades. 23. Comprehension of term "streets." 24. Penalty. |
|--|--|

Mayor and aldermen may grant license to dig up, obstruct, etc.

SECTION 1. The mayor and aldermen or some person by them authorized, may grant a license in writing to any person for building or other lawful purposes, to dig up, obstruct or encumber so much and such parts of any

street or other public place in the city, and on such terms and conditions as they shall deem safe and proper.

SECT. 2. No person shall break or dig up any part of any street, or erect any staging for building, or deposit thereon, any stone, brick, lumber or other building materials without first obtaining a written license therefor from the mayor and aldermen, or some person by them authorized and without complying in all respects with the conditions of said license.

To dig up or deposit, a written license required.

SECT. 3. Whenever any street in the city shall, under any license obtained aforesaid, be obstructed or otherwise rendered unsafe for travel, the person so licensed shall keep a suitable railing or fence, sufficiently lighted every night, around the section or part of any street obstructed so long as said obstruction continues. He shall also, within such reasonable time as the mayor and aldermen direct, amend and repair such street to their acceptance.

Obstructions to be properly designated and guarded.

SECT. 4. If any person shall dig or sink any well, cellar, drain or other cavity in the ground, near to or adjoining any street in the city, he shall, so long as the superintendent of streets deems necessary, keep a railing or fence on or near the line of such street sufficient in the judgment of said superintendent to protect travellers from falling into the same or being injured thereby.

Cautionary measures to be taken.

SECT. 5. No person shall erect, set up or maintain any door-step, portico, porch or any other structure extending into any street or sidewalk, without permission from the mayor and aldermen.

No permanent obstructions.

SECT. 6. No person shall erect, construct, maintain or keep any cellar door or passage-way into any cellar, basement or excavation of any kind so that the same shall extend into or occupy part of any street or sidewalk, unless

Entrances from streets to cellars to be well covered, etc.

Proviso. such doorway, passage-way or excavation be kept covered with a suitable and substantial platform or grate, level with the sidewalk or street ; or unless, in case the same shall be authorized to be kept open by the mayor and aldermen, it shall be guarded and protected by a sufficient railing on both sides thereof, at least, two and a half feet high, and shall be well lighted at night. No person shall suffer his well, cistern or drain in any street to be or remain open or uncovered unless the same shall be enclosed by a strong and safe curb, guard or fence, and properly lighted at night.

Sweepings, etc, into street. SECT. 7. No person shall place, sweep or deposit any house dirt, ashes, sawdust, shreds, shavings, oyster or lobster shells, or any animal or vegetable substance, rubbish or filth of any kind, in or upon any street or public place, except in such place and manner as the superintendent of streets may prescribe.

Night obstructions guarded. SECT. 8. No person shall suffer his fuel in any quantity, to remain unnecessarily on any sidewalk or street over night, or after twilight in the evening. If the same must, of necessity, remain after twilight or through the night, the owner thereof shall place and keep a sufficient light over or near the same through the night.

Driving; rate of speed. SECT. 9. No person shall ride or drive in any street or public passage-way in the city in such a manner as to endanger or unnecessarily incommode passengers ; nor at a rate of speed exceeding six miles per hour.

Animals and vehicles prohibited from sidewalks. SECT. 10. No person shall wheel, drive, draw or pass with any hand-cart, wheel-barrow, hand-sled or other carriage of business or pleasure (except children's carriages drawn by hand) or permit any horse, ox or other beasts under his care to go upon or over any sidewalk, or other-

wise occupy, obstruct or incumber the same, by any trunk, bale, box, barrel, crate, or any package, article or thing whatever, or in any way obstruct or incumber any street or sidewalk so as to interfere with the convenient use of the same by all passengers, and no person shall stop his team or carriage or unnecessarily place any obstruction on any flagging stones laid across any street, nor shall any person drive any carriage or other vehicle upon or over any hose or pipe placed in the street by order of the chief engineer or laid for use at a fire.

SECT. 11. Any person who shall throw, or place, or ^{Snow to be spread when thrown on} cause to be thrown or placed any snow or ice into any street, shall cause the same to be broken and spread ^{street.} evenly over the surface of such street.

SECT. 12. No person shall swim or bathe without clothes upon his or her person, in any of the waters ^{Exposure of person.} within or surrounding the city, so as to be exposed to the view of passengers or other persons passing or being in any street or house or upon any railroad or steamboat within the city.

SECT. 13. All sidewalks, curbed and flagged by the city, and all sidewalks curbed by the city, shall be cleaned ^{Sidewalks to be cleared of snow.} of snow by the owner or occupant of the adjoining land, within six hours after the snow shall have ceased falling, if in the day-time, and within six hours after sunrise if the snow shall fall in the night time; and if such owner or occupant shall neglect or refuse to clear said sidewalk within the time prescribed, the same shall be cleaned by the superintendent of streets at the expense of said owner or occupant.

SECT. 14. No person shall expose in or upon any street, any table or device of any kind, by or upon which ^{Gaming prohibited, etc.}

any game of hazard or chance can be played ; nor shall any person play any such game at such table or by such device in or upon any street.

Booths or stalls.

SECT. 15. No person shall place or keep any table, stall, booth, or other erection in any street or sidewalk in the city for the sale of fruit or other thing without permission first obtained from the mayor and aldermen.

No shooting allowed.

SECT. 16. No person, shall, except in performance of some duty required by law, discharge any gun, pistol or other fire-arms, loaded with balls or shot, or with powder only, within the principal inhabited parts of the city or within fifty rods of any dwelling house therein.

No defacing or destroying.

SECT. 17. No person shall injure, deface or destroy any guide-post or guide-board, any lamp-post or lamp or lantern thereon, or any tree, building, fence, post or other thing set, erected or made for use or ornament within any street in the city.

Street prohibitions. All swearing, rudeness, indecency, etc.

SECT. 18. No person shall behave himself in a rude or disorderly manner or use indecent, profane, or insulting language or designedly frighten any horse ; nor within the compact part of the city, shoot with bows and arrows, play at ball, or other games, coast on sleds, fly kites, throw stones or other missiles in any street, nor be on any sidewalk, door-step, fence, porch, to the annoyance of other persons. No person shall make any indecent figures or write indecent or obscene words upon any fence, building, post, tree or other object in the city.

No "riding behind."

SECT. 19. No person shall take hold of or ride upon the back of any chaise, sleigh, coach, or other carriage used for the transportation of persons, while the same is passing through any street, without permission of the owner or driver of the same.

SECT. 20. No person shall suffer any spout on his or her building to lead or cast water upon any sidewalk or street to the injury or inconvenience of passengers or damage of the streets. No spouts, etc., to flow on to sidewalk or street.

SECT. 21. No person shall erect any post or posts on any street except by permission of the mayor and aldermen, who are hereby expressly authorized to remove any post or posts standing in any street or public place whenever, in their opinion, public convenience requires it. No posts to be erected.

SECT. 22. It shall be lawful to place or continue to maintain awnings and shades before any house, shop or store in any street, under the regulations hereafter mentioned in this section, and not otherwise; such awnings and shades shall be safely fixed and supported in such manner as not to interfere with passengers, and so that the lowest part thereof shall not be less than eight feet in height above the sidewalks, and the person so placing or continuing to maintain the same shall, in all respects, conform to such instructions in relation to the material, construction and maintenance thereof as shall be given by the mayor and aldermen. Concerning awnings, shades, etc.

SECT. 23. Whenever the word "street" or "streets" is mentioned in this ordinance it shall be understood as including alleys, lanes, courts, public squares, and public places; and it shall also be understood as including the sidewalks unless the contrary is expressed, or such construction would be inconsistent with the manifest intention of the city council, and in streets where there are no raised sidewalks, five feet in width next adjoining each side of said streets, shall be deemed and taken to be the sidewalks of the same within the meaning of this ordinance. Streets comprehend what.

Penalty.

SECT. 24. Any person who shall violate any of the provisions of this ordinance, shall forfeit and pay for each and every offence, a sum not less than one dollar or more than twenty dollars.

CHAPTER XXIX.

SEWERS AND DRAINS.

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Acceptance of statutes. 2. No constructing until appropriation may have been made. 3. Written consent requisite to enter mains. Proviso. 4. Penalty for non-compliance with preceding section. 5. Drains required must be built; by whom. 6. Rain water from roofs may be conducted into common sewers, etc. | <ol style="list-style-type: none"> 7. Superintendent of drains and sewers. 8. Record and plan of each main to be kept, with all entries from time to time. 9. Accurate account of expenses shall be kept by superintendent. 10. No entering without permit. 11. Price for permission to enter shall be fixed by mayor and aldermen. 12. Assessments made by mayor and aldermen. Proviso. |
|--|--|

Acceptance of statutes.

SECTION 1. The third, fourth, fifth and sixth sections of chapter forty-eight, of the general statutes, are hereby accepted.

No constructing until appropriations may have been made.

SECT. 2. Every main drain or common sewer hereafter constructed under the authority of the city, shall be built of such materials and dimensions, and in such manner as the mayor and aldermen may direct; but in no case shall they proceed to construct a common sewer or main drain, until an appropriation to defray the cost of the same shall have been made by the city council.

SECT. 3. Any person may enter his particular drain into any main drain or common sewer, constructed under



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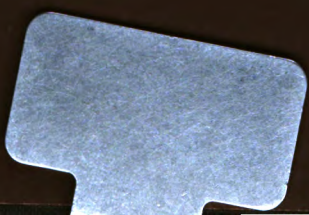
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or member of his family, which fear shall have been produced by the threats of the person so receiving or taking such property, shall be adjudged guilty of robbery.

ART. 222. Every person convicted of robbery shall be punished by imprisonment in the penitentiary for a term not exceeding ten years.

ART. 223. Every person who shall knowingly send or deliver, or shall make, and, for the purpose of being delivered or sent, shall part with the possession of any letter, or writing, with or without a name subscribed thereto, or signed with a fictitious name, or with any letter, mark, or other designation, threatening therein to accuse any person of any crime, or to do any injury to the person or property of any one, with a view or intent to extort or gain any money, or property of any description, belonging to another, shall, upon conviction, be adjudged guilty of an attempt to rob, and shall be punished by imprisonment in the penitentiary not exceeding five years.

ART. 224. Robbery of obligations, or bonds, bills obligatory, bank bills, or bills of exchange, promissory notes for the payment of money, or notes for the payment of any specific property, paper bills of credit, cotton receipts, certificates granted by or under authority of this State, or the United States, or any State, territory or district therein, shall be punished in the same manner, both as to the principal and accessory, as robbery of goods and chattels.

SECTION XLVIII.

Sabbath, Violation of.

ART. 225. If any person, on a Sabbath day, commonly called Sunday, shall himself be found laboring at his own, or any other trade, calling or business, or shall employ his apprentices, servants or slaves, or slaves belonging to any other person, in labor or other business, except it be in the ordinary household offices of daily necessity, or other work of necessity or charity, he shall, on conviction, be fined not more than twenty dollars for every offence, deeming every apprentice, servant, or slave so employed, as constituting a distinct offence: *Provided*, That nothing in this article shall anply to railroads, or steamboat navigation in this State.

ART. 226. No merchant, shop-keeper, or other person, except apothecaries and druggists, shall keep open store, or dispose of any wares or merchandise, goods or chattels, on Sunday, or sell or barter the same: and every person so offending shall, on conviction, be fined not more than twenty dollars for every such offence.

ART. 227. If any person shall show forth, exhibit, act, represent or perform, or cause to be shown forth, acted, represented or performed any interludes, farces or plays, of any kind, or any games, tricks, juggling, sleight of hand, or feats of dexterity, agility of body, or any bear-baiting, or any bull-baiting, horse racing, or cock fighting, or any such like show or exhibition whatsoever, on Sunday, every person so offending, shall be fined not more than fifty dollars.

ART. 228. Offences against the provisions of this section, shall be cognizable before any justice of the peace of the district where they may occur, or by indictment in the circuit court. And the said

offenders, in lieu of such fine, may, at the discretion of the court, be imprisoned in the common jail not longer than one week.

ART. 229. If any person shall be found hunting with a gun, on the Sabbath, he shall, on conviction thereof, be fined not less than five, nor more than twenty dollars.

SECTION XLIX.

Timber, cutting or rafting.

ART. 230. If any person shall be guilty of cutting or rafting any cypress or ash timber, for sale or transportation, upon any lands belonging to this State, or held in trust by this State for the purpose of internal improvements, levees or schools, such person shall be liable to indictment, and on conviction thereof, shall be punished by imprisonment in the penitentiary for a term not less than one, nor more than five years, and shall be fined in a sum not less than one hundred, nor more than one thousand dollars, at the discretion of the court.

ART. 231. If any person shall cut or raft any cypress or ash timber, for sale or transportation, upon any land belonging to any person or corporation, without permission in writing, from the owner thereof, or his agent duly authorized, such person shall, on conviction thereof, be imprisoned in the penitentiary not less than one year, nor more than five years, and shall be fined not less than one hundred dollars, nor more than one thousand dollars.

ART. 232. Every person engaged, or who shall be about to engage, in cutting or rafting cypress, pine, or ash timber, for sale or transportation, shall file in the probate clerk's office of the county, where he shall engage in such business, an affidavit of such intention, and a particular description of the tract of land from which he designs cutting such timber, and the authority by which he so intends to cut such timber, as well as the name of the person from whom he derives such authority; which affidavit, said clerk shall record in a book to be called the "rafting record," and such clerk, for such service, shall be entitled to receive fifty cents.

And the failure to file such affidavit, by any person cutting such timber, shall be deemed and taken as *prima facie* evidence of the guilt of such person, on any trial or indictment which may be had or found against him for a violation of this section, and subject him, even if he shall prove his innocence of such cutting without permission, to the payment of the costs of such prosecution, and he may, in the discretion of the court, be ordered to stand committed until such costs shall be paid.

ART. 233. It shall be the duty of any justice of the peace in this State, on information on oath, that any person is engaged in the violation of this section, to issue his warrant, directed to the sheriff or any constable of the county, commanding him to arrest all persons found illegally cutting or rafting such timber, and to bring such person, so offending, whether named in such warrant or not, before some justice of the peace of the county, to be dealt with according to law.

And if such person shall have cut any timber, or made any raft, contrary to the provisions of this section, it shall be the duty of such officer, serving such warrant, to take possession of such timber, and



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and against his will, by violence to his person, or by putting such person in fear of some immediate injury to his person, shall be adjudged guilty of robbery.

§ 2675. Every person, who shall be convicted of feloniously taking the personal property of another, in his presence, or from his person, which shall have been delivered or suffered to be taken, through fear of some injury, threatened to be inflicted at some different time, to his person or property, or to the person of any relative or member of his family, which fear shall have been produced by the threats of the person so receiving or taking such property, shall be adjudging guilty of robbery.

§ 2676. Every person, convicted of robbery, shall be punished, by imprisonment in the penitentiary, for a term not exceeding ten years.

§ 2677. Every person, who shall knowingly send or deliver, or shall make, and for the purpose of being delivered or sent, shall part with the possession of any letter or writing, with or without a name subscribed thereto, or signed with a fictitious name, or with any letter, mark, or other designation, threatening therein to accuse any person of any crime, or to do any injury to the person or property of any one, with a view or intent to extort or gain any money, or property of any description, belonging to another, shall, upon conviction, be adjudged guilty of an attempt to rob, and shall be punished, by imprisonment in the penitentiary, not exceeding five years.

§ 2678. Robbery of obligations, or bonds, bills obligatory, bank bills or bills of exchange, promissory notes for the payment of money, or notes for the payment of any specific property, paper bills of credit, cotton receipts, certificates granted by, or under authority of this state, or the United States, or any state, territory or district therein, shall be punished in the same manner, both as to the principal and accessory, as robbery of goods and chattels.

ARTICLE XXIX.

SABBATH—VIOLATION OF.

§ 2679. If any person, on a Sabbath day, commonly called Sunday, shall himself be found laboring at his own, or any other trade, calling or business, or shall employ his apprentices, or servant, or servants belonging to any other person, in labor or other business, except it be in the ordinary household offices of daily necessity, or other work of necessity or charity, he shall, on conviction, be fined, not more than twenty dollars, for every offence, deeming every apprentice or servant, so employed, as constituting a distinct offence; *provided*, that nothing in this section shall apply to railroads, or steamboat navigation in this state.

§ 2680. No merchant, shopkeeper, or other person, except apothecaries and druggists, shall keep open store, or dispose of any wares or merchandise, goods or chattels, on Sunday, or sell or barter the same; and every person, so offending, shall, on conviction, be fined not more than twenty dollars, for every such offence.

§ 2681. If any person shall show forth, exhibit, act, represent, or perform, or cause to be shown forth, acted, represented or performed, any interludes, farces, or plays of any kind, or any games, tricks, juggling, slight of hand, or feats of dexterity, agility of body, or any bear baiting, or any bull baiting, horse racing, or cock fighting, or any such like show or exhibition whatsoever, on Sunday, every person, so offending, shall be fined not more than fifty dollars.

§ 2682. Offences against the provisions of this article shall be cognizable before any justice of the peace of the county where they may occur, or by indictment in the circuit court; and the said offenders, in lieu of such fine, may, at the discretion of the court, be imprisoned in the common jail, not longer than one week.

§ 2683. If any person shall be found hunting with a gun, or with dogs, on the Sabbath, or fishing in any way, he shall, on conviction thereof, be fined not less than five, nor more than twenty dollars.

ARTICLE XXX.

TIMBER—CUTTING AND RAFTING.

§ 2684. If any person shall be guilty of cutting or rafting any cypress or ash timber, for sale or transportation, upon any lands belonging to this state, or held in trust by this state, for the purpose of internal improvements, levees or schools, such person shall be liable to indictment, and on conviction thereof, shall be punished by imprisonment in the penitentiary, for a term not less than one, nor more than five years, or shall be fined in a sum not less than one hundred, nor more than one thousand dollars, at the discretion of the court, or by both such fine and imprisonment.

§ 2685. If any person shall cut or raft any cypress or ash timber, for sale or transportation, upon any lands belonging to any person or corporation, without permission, in writing, from the owner thereof, or his agent, duly authorized, such person shall, on conviction thereof, be imprisoned in the penitentiary, not less than one year, nor more than five years, or fined, not less than one hundred dollars, nor more than one thousand dollars, or both such fine and imprisonment.

§ 2686. Every person engaged, or who shall be about to engage, in cutting or rafting cypress, pine or ash timber, for sale or transportation, shall file, in the chancery clerk's office of the county where he shall engage in such business, an affidavit of such intention, and a



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CHAPTER XLVI.

AN ACT to prevent the carrying of concealed weapons,
and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That any person, not being threatened with, or having good and sufficient reason to apprehend an attack, or traveling (not being a tramp) or setting out on a journey, or peace officers, or deputies in discharge of their duties, who carries concealed, in whole or in part, any bowie knife, pistol, brass knuckles, slung shot or other deadly weapon of like kind or description, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished for the first offence by a fine of not less than five dollars nor more than one hundred dollars, and in the event the fine and cost are not paid shall be required to work at hard labor under the direction of the board of supervisors or of the court, not exceeding two months, and for the second or any subsequent offence, shall, on conviction, be fined not less than fifty nor more than two hundred dollars, and if the fine and costs are not paid, be condemned to hard labor not exceeding six months under the direction of the board of supervisors, or of the court. That in any proceeding under this section, it shall not be necessary for the State to allege or prove any of the exceptions herein contained, but the burden of proving such exception shall be on the accused.

When concealed weapons may be carried.

Penalty for carrying weapons.

Burden of proof on accused.

SEC. 2. *Be it further enacted,* That it shall not be lawful for any person to sell to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any weapon of the kind or description in the first section of this Act described, or any pistol cartridge, and on conviction shall be punished by a fine not exceeding two hundred dollars, and if the fine and costs are not paid, be condemned to hard labor under the direction of the board of supervisors or of the court, not exceeding six months.

Minors, or persons intoxicated.

Minor under 16 years. SEC. 3. *Be it further enacted*, That any father, who shall knowingly suffer or permit any minor son under the age of sixteen years to carry concealed, in whole or in part, any weapon of the kind or description in the first section of this Act described, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than twenty dollars, nor more than two hundred dollars, and if the fine and costs are not paid, shall be condemned to hard labor under the direction of the board of supervisors or of the court.

Students. SEC. 4. *Be it further enacted*, That any student of any university, college or school, who shall carry concealed, in whole or in part, any weapon of the kind or description in the first section of this Act described, or any teacher, instructor, or professor who shall, knowingly, suffer or permit any such weapon to be carried by any student or pupil, shall be deemed guilty of a misdemeanor, and, on conviction, be fined not exceeding three hundred dollars, and if the fine and costs are not paid, condemned to hard labor under the direction of the board of supervisors or of the court.

Tax fee of justice. SEC. 5. *Be it further enacted*, That each justice of the peace before whom a conviction is had, shall, in addition to the costs now allowed by law, be entitled to a tax fee of two dollars and a half.

Act to be read in courts SEC. 6. *Be it further enacted*, That immediately after the passage of this Act, the Secretary of State shall transmit a copy to each circuit judge in the State, who shall cause the same to be read in open court on the day for the calling of the State docket of the court.

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage.

APPROVED, February 28, 1878.

MISSOURI



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and conditions, and subject to such regulations as the said association shall, by their by-laws and regulations, prescribe, and every right so granted and conveyed, shall be held for the purposes aforesaid, and for no other, by the proprietor or proprietors thereof, and shall not be subject to attachment or execution.

§ 3. To enable the said corporation more effectually to carry said plan into effect, and to provide funds for the same, the said corporation shall be and they are hereby authorised to open books of subscription, upon such terms, conditions and regulations as the said corporation shall prescribe, which shall be deemed fundamental and perpetual articles between the said corporation and the subscribers; and every person who shall become a subscriber thereto, shall be deemed a member, for life, of the said corporation, without the payment of any other assessment whatsoever, and shall, moreover, be entitled, in fee simple, to the sole and exclusive right of using, as a place of burial, and of erecting tombs, cenotaphs and other monuments in memory of the dead, in such lot or sub-division of said cemetery or burying ground as shall, in conformity to such fundamental articles, be assigned to him.

§ 4. The said association shall lay out and set apart not less than one-fiftieth of the whole quantity of land belonging to said association, and shall ornament the same for the sole and exclusive purpose of a burial ground for the interment of strangers, and shall admit the same without charge, fee or reward.

§ 5. The officers of said corporation shall consist of not less than seven, nor more than twelve trustees, a treasurer, secretary and such other officers as they may direct. The trustees shall be elected, annually, at the annual meetings, and shall hold their offices until others are chosen; and they shall choose one of their number to be president, who shall also be president of the corporation; and they shall also choose the Secretary and treasurer, either from their own body or at large, and the said trustees shall have the general management, superintendence and care of the property, expenditures, business and prudential concerns of the corporation, and of the sales of lots in the said cemetery, and they shall make a report of their doings to the corporation, at their annual meeting. The treasurer shall give bonds for the faithful discharge of the duties of his office, and shall have the superintendence and management of the fiscal concerns of the corporation, subject to the revision and control of the trustees, to whom he shall make an annual report, which shall be laid before the corporation, at their annual meeting; and the secretary shall be under oath for the faithful performance of the duties of his office, and shall record the doings at all meetings of the corporation and of the trustees.

§ 6. The annual meetings of said corporation shall be holden at such time and place as the by-laws shall direct, and the secretary shall give notice thereof, in one or more newspapers printed in St. Louis, seven days, at least, before the time of meeting; and special meetings may be called by the trustees in the same manner, unless otherwise directed by the by-laws, or by the secretary in the same manner, upon the written request of twenty members of the corporation. At all meetings, a quorum shall consist of not less than seven members, and any business may be transacted of which notice shall be given in the advertisement for the meeting, and all questions shall be decided by a majority of the members present, and voting either by person or by proxy.

§ 7. Any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone or other structure placed in the cemetery aforesaid, or any fence, railing or other work for the protection or ornament of any tomb, monument or grave-stone, or other structure aforesaid, or of any cemetery lot within the limits of the cemetery aforesaid, or shall wilfully remove, destroy, cut, break or injure any tree, shrub or plant within the limits

of said cemetery, or shall shoot or discharge any gun or other fire arms within the said limits, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace, or other court of competent jurisdiction within the county of St. Louis, be punished by a fine of not less than five dollars, nor more than fifty dollars, according to the nature and aggravation of the offence; and such offender shall also be liable in an action of trespass, to be brought against him in any court of competent jurisdiction, in the name of the Rural Cemetery Association, to pay all such damages as have been occasioned by his unlawful act or acts, which money, when recovered, shall be applied by the said corporation, under the direction of the board of trustees, to the reparation and restoration of the property destroyed or injured as above, and members of the said corporation shall be competent witnesses in such suits.

§ 8. The lots in said cemetery shall be indivisible, and, upon the death of any proprietor of any lot in the said cemetery, containing not less than three hundred square feet, the devisee of such lot or the heir at law, as the case may be, shall be entitled to all the privileges of membership as aforesaid; and if there be more than one devisee or heir at law of each lot, the board of trustees, for the time being, shall designate which of the said devisees or heirs at law shall represent the said lot, and vote in the meetings of the corporation; which designation shall continue in force until, by death, removal or other sufficient cause, another designation shall become necessary; and, in making such designation, the trustees shall, as far as they conveniently may, give preference to males over females, and to proximity of blood and priority of age, having due regard, however, to proximity of residence.

§ 9. It shall be lawful for the said corporation to take and hold any grant, donation or bequest of property, upon trust, to apply the income thereof, under the direction of the board of trustees, for the improvement or embellishment of said cemetery, or of any buildings, structures or fences erected or to be erected upon the lands of the said corporation, or of any individual proprietor of a lot in the cemetery, or for the repair, preservation or renewal of any tomb, monument, grave-stone, fence or railing or other erection in or around any cemetery lot, or for the planting or cultivation of trees, shrubs, flowers or plants in or around any cemetery lot, according to the terms of such grant, donation or bequest; and the supreme judicial court in this State, or any other court therein having equity jurisdiction, shall have full power and jurisdiction to compel the full performance of said trusts, or any of them, upon a bill filed by a proprietor of any lot in the said cemetery for that purpose.

§ 10. Any three or more of the persons named in this act shall have authority to call the first meeting of the said corporation, by an advertisement in one or more newspapers printed in the city of Saint Louis, seven days, at least, before the time of holding such meeting, and specifying the time and place thereof; and all proprietors of lots who shall, before, at or during the time of holding such meeting, by writing, assent to this act, shall be entitled to vote, in person or by proxy, at the said first meeting; and at such meeting, or any adjournment thereof, any elections may be had and any business done which are herein authorized to be had and done at an annual meeting, although the same may not be specified in the notice for the said meeting; and the first board of trustees chosen at the said meeting shall continue in office until the annual meeting of the said corporation next ensuing their choice, and until another board are chosen in their stead, in pursuance of this act.

§ 11. The said cemetery shall be and hereby is declared exempted from all public taxes, so long as the same shall remain dedicated to the purposes of a cemetery.



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CRIMES AND PUNISHMENTS: LOTTERIES.

AN ACT to amend section twenty-eight (28) of chapter two hundred and six (206) of the General Statutes of Missouri. [Of offenses against public morals and decency, etc.]

SECTION 1. Penalty for sale or advertising for sale lottery tickets or shares in same.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. Section 28 of chapter 206 of the General Statutes of Missouri is hereby amended so as to read as follows, to-wit: Section 28. Any person who shall sell or expose to sale, or cause to be sold or exposed to sale, or shall keep on hand for the purpose of sale, or shall advertise or cause to be advertised for sale, or who shall print or publish such advertisement, or shall aid or assist, or be in anywise concerned in the sale or exposure to sale of any lottery ticket or tickets, or any share or part of any lottery ticket in any lottery, or device in the nature of a lottery, within this State or elsewhere, and any person who shall advertise or cause to be advertised the drawing of any scheme in any lottery, or shall print or publish such advertisement, and shall be convicted thereof in any court of competent jurisdiction, shall, for each and every such offense, forfeit and pay a sum not exceeding one thousand dollars.

Approved April 19th, 1879.

CRIMES AND PUNISHMENTS: FIRE-ARMS—DISCHARGE OF.

AN ACT to prohibit the discharge of fire arms in the immediate vicinity of any court-house, church or building used for school or college purposes.

SECTION

1. Unlawful to fire gun or pistol in immediate vicinity of court-house, church or college.

SECTION

2. Penalty.

3. Definition of "immediate vicinity."

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. Hereafter it shall be unlawful for any person in this State, except he be a sheriff or other officer, in the discharge of official duty, to discharge or fire off any gun, pistol or fire-arms of any description, in the immediate vicinity of any court house, church or building used for school or college purposes.

SEC. 2. Any person guilty of a violation of the preceding section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than five dollars nor more than twenty dollars, or by imprisonment in the county jail not exceeding twenty days.

SEC. 3. The term "immediate vicinity," as used in this act, shall be construed and held to mean a distance not exceeding two hundred yards.

Approved April 30th, 1879.

FEEES AND SALARIES: PAY OF SECRETARY AND CHIEF CLERK OF GENERAL ASSEMBLY.

AN ACT fixing the compensation of the Secretary of the Senate and Chief Clerk of the House of Representatives.

SECTION	1. Pay of Secretary of Senate and Chief Clerk of House.	SECTION	2. Emergency.
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Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. The secretary of the Senate and chief clerk of the House of Representatives shall each receive five dollars (\$5.00) per day compensation for their services, during the present or any future session of the General Assembly, including ten days after the adjournment of the General Assembly.

SEC. 2. The fact that there is no statute in force fixing the compensation of the above mentioned officers, is hereby declared to constitute an emergency requiring this act to take effect immediately; therefore it shall take effect and be in force from and after its passage.

Approved April 3d, 1879.



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SEC. 1271. *Abandonment of children.*—If any father or mother of any child under the age of six years, or any other person to whom such child shall have been confided, shall expose such child in a street, field or other place, with intent wholly to abandon it, he or she shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding five years, or in the county jail not less than six months. (G. S. 781, § 39.)

SEC. 1272. *Mistreatment of apprentices.*—If any master or mistress of an apprentice or other person having the legal care and control of any infant, shall, without lawful excuse, refuse or neglect to provide for such apprentice or infant, necessary food, clothing or lodging, or shall unlawfully and purposely assault such apprentice or infant, whereby his life shall be endangered, or his health shall have been or shall be likely to be permanently injured, the person so offending shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding three years, or by imprisonment in the county jail not exceeding one year, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment. (New section.)

SEC. 1273. *Abandonment of wife or child.*—If any man shall, without good cause, abandon or desert his wife, or abandon his child or children under the age of twelve years born in lawful wedlock, and shall fail, neglect or refuse to maintain and provide for such wife, child or children, he shall, upon conviction, be punished by imprisonment in the county jail not more than one year, or by a fine of not less than fifty, nor more than one thousand dollars, or by both such fine and imprisonment. No other evidence shall be required to prove that such husband was married to such wife, or is the father of such child or children, than would be necessary to prove such fact or facts in a civil action. (Laws 1867, p. 112, amended—*m.*)

SEC. 1274. *Carrying deadly weapons, etc.*—If any person shall carry concealed, upon or about his person, any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, literary or social purposes, or to any election precinct, on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose, other than for militia drill or meetings called under the militia law of this state, having upon or about his person any kind of firearms, bowie-knife, dirk, dagger, slung-shot, or other deadly weapon, or shall, in the presence of one or more persons, exhibit any such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall, directly or indirectly, sell or deliver, loan or barter to any minor, any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than five nor more than one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment. (Laws 1874, p. 43; laws 1875, p. 50, and laws 1877, p. 240, amended.)

SEC. 1275. *Above section not to apply to certain officers.*—The next preceding section shall not apply to police officers, nor to any officer or person whose duty it is to execute process or warrants, or to suppress breaches of the peace, or make arrests, nor to persons moving or traveling peaceably through this state, and it shall a good defense to the charge of carrying such weapon, if the defendant shall show that he has been threatened with great bodily harm, or had good reason to carry the same in the necessary defense of his person, home or property. (New section.)

SEC. 1276. *Fire arms not to be discharged near court house.*—Hereafter it shall be unlawful for any person in this state, except he be a sheriff or other officer in the discharge of official duty, to discharge or fire off any

(*m*) Wife held to be a competent witness to prove fact of abandonment. 43 Mo. 429. The fact that the defendant has brought suit for divorce is no defense. 52 Mo. 172.

gun, pistol or fire arms of any description, in the immediate vicinity of any court house, church or building used for school or college purposes. (Laws 1879, p. 90, § 1.)

SEC. 1277. *Punishment.*—Any person, guilty of a violation of the preceding section, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than five dollars nor more than twenty dollars, or by imprisonment in the county jail not exceeding twenty days. (Laws 1879, p. 91, § 2.)

SEC. 1278. *Immediate vicinity defined.*—The term immediate vicinity, as used in this article, shall be construed and held to mean a distance not exceeding two hundred yards. (Laws 1879, p. 91, § 3.)

SEC. 1279. *Intoxicated stage driver.*—Every person who, whilst actually employed in driving any stage, coach, wagon, omnibus, hack or other vehicle, shall be intoxicated to such a degree as to endanger the safety of any person therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by fine not less than twenty nor more than one hundred dollars. (G. S. 814, § 31.)

SEC. 1280. *Intoxicated pilot or engineer.*—Every person who, whilst actually employed in discharging the duties of a pilot or engineer on any steamboat, or of a conductor or engineer on railroad cars, shall be intoxicated to such a degree as to endanger the safety of such steamboat or cars, or of any person or passenger therein, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding three years, or in the county jail not exceeding one year, or by fine not exceeding one thousand dollars. (G. S. 814, § 32.)

SEC. 1281. *Drunken conductor, whilst in charge of train.*—If any person shall, while in charge of a locomotive engine running upon the railroad of any such corporation, or while acting as the conductor of a car, or train of cars, on any such railroad, be intoxicated, he shall be deemed guilty of a misdemeanor. (G. S. p. 342, § 40.)

SEC. 1282. *Punishment for certain offenses.*—Every person who shall be convicted of murder in either degree, or manslaughter in the first degree, or who shall be convicted and sentenced to the penitentiary for any of the offenses specified in sections twelve hundred and fifty-three, twelve hundred and fifty-four, twelve hundred and fifty-five, twelve hundred and fifty-six, twelve hundred and fifty-seven, twelve hundred and fifty-eight, twelve hundred and fifty-nine, twelve hundred and sixty, twelve hundred and sixty-one, twelve hundred and sixty-two and twelve hundred and sixty-six, shall be forever disqualified from voting at any election, or holding any office of honor, trust or profit under the laws of this state, or of any city, or town thereof, or sitting as a juror in any case. (G. S. 782, § 40, am'd.)

ARTICLE III.

OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY.

SECTION

1283. Arson in first degree.
1284. Dwelling house, defined.
1285. Arson in second degree.
1286. Building containing public records.
1287. Arson in third degree.
1288. Burning brewery, etc.
1289. Burning boat or vessel.
1290. Arson in fourth degree.
1291. Punishment for arson.
1292. Burglary in first degree.
1293. Burglary in second degree.
1294. Burglary, second degree, continued.
1295. Burglary, second degree, continued.

SECTION

1296. Burglary, second degree, continued.
1297. Burglary, second degree, continued.
1298. Burglary, second degree, continued.
1299. What breaking not burglary.
1300. Burglary in first and second degrees, how punished.
1301. Burglary and larceny.
1302. Robbery in first degree.
1303. Robbery in second degree.
1304. Robbery in third degree.
1305. Robbery, how punished.
1306. Attempt to blackmail, how punished.
1307. Grand larceny defined.



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Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. Any person or persons doing a commission business in this state who shall receive cattle, hogs, sheep, grain, cotton or other commodities consigned or shipped to him or them for sale on commission, and who shall wilfully make a false return to his or their consignor or shipper, in an account of sale or sales of any such cattle, hogs, sheep, grain, cotton or other commodities made and rendered by such person or persons for and to such consignor or shipper, either as to weights or prices, shall be guilty of a misdemeanor and shall, on conviction, be punished by imprisonment in the county jail not exceeding one year, or by a fine not exceeding five hundred dollars nor less than two hundred dollars, or by fine not less than one hundred dollars and imprisonment in the county jail not less than three months.

Approved April 2, 1883.

CRIMES AND CRIMINAL PROCEDURE: CONCEALED WEAPONS.

AN ACT to amend section 1274, article 2, chapter 24 of the Revised Statutes of Missouri, entitled "Of Crimes and Criminal Procedure."

SECTION 1. Carrying concealed weapon. etc., penalty for increased.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. That section 1274 of the Revised Statutes of Missouri be and the same is hereby amended by inserting the word "twenty" before the word "five" in the sixteenth line of said section, and by striking out the word "one" in the same line and inserting in lieu thereof the word "two," and by striking out the word "three" in the seventeenth line of said section and inserting in lieu thereof the word "six," so that said section, as amended, shall read as follows: Section 1274. If any person shall carry concealed, upon or about his person, any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill or meetings called under the militia law of this state, having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, slung-shot or other deadly weapon, or shall in the presence of one or more persons exhibit any such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Approved March 5, 1883.

NEVADA



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CHAP. VI.—*An Act to Amend an Act entitled "An Act Fixing the Salaries of the Various County Officers in the Several Counties in this State, and Other Matters Relating Thereto," approved March 11, 1879.*

[Approved January 28, 1881.]

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

SECTION 1. Section One of said Act is hereby amended so as to read as follows: From and after the first Monday in January, A. D. 1881, the following named officers of the several counties in this State shall receive the following annual salaries, to be paid in twelve equal payments, on the second Monday of each month, which shall be in full for all services and all *ex officio* services required of them.

County officers' salaries to be paid monthly.

SEC. 2. Section Twenty of said Act is hereby amended so as to read as follows :

Section Twenty. The several officers named in this Act shall, at the expiration of every month, make out and file with said Treasurer a full and accurate statement, under oath, of all fees, percentages, or compensations of whatever nature or kind, received in their several official capacities during the preceding month; also, a duplicate copy to the County Commissioners, in which statement they shall set forth the causes in which and the services for which such compensations were received, and it shall be the duty of each one of said officers to keep a book in which shall be entered by items every kind or description of services performed by them or their deputies, the time of rendering said services and the amount allowed by law for each particular service, which book or books shall be open to the inspection of the Board of County Commissioners and every citizen at all times.

Statement of fees, etc., to be filed in duplicate.

CHAP. VII.—*An Act to Prohibit the Use of Firearms in Public Places.*

[Approved January 28, 1881.]

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

SECTION 1. Any person in this State, whether under the influence of liquor or otherwise, who shall, except in necessary self-defense, maliciously, wantonly or negligently dis-

Firearms, penalty for discharging same in certain cases.

charge or cause to be discharged any pistol, gun or any other kind of firearm, in or upon any public street or thoroughfare, or in any theater, hall, store, hotel, saloon or any other place of public resort, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment in the County Jail for a term not less than two nor more than six months, or by a fine not less than one hundred nor more than five hundred dollars, or by both such fine and imprisonment; *provided*, that no Sheriff, Deputy Sheriff, Marshal, Constable, Deputy Constable or other peace officer shall be held to answer under the provisions of this Act for discharging firearms in the lawful pursuance of his or their duty.

Duties of officers.

SEC. 2. It shall be the duty of all civil, military and peace officers to be vigilant in carrying the provisions of this Act into full force and effect; and any Sheriff, Deputy Sheriff, Marshal, Constable or Deputy Constable, who shall neglect his duty in the due arrest of any offender under the provisions of this Act, shall be deemed guilty of a violation of his or their official oath, and, on conviction, shall be punished by a fine not less than one hundred nor more than one thousand dollars, and by imprisonment in the State Prison not less than six months nor more than five years.

SEC. 3. All Acts or parts of Acts in conflict with this Act are hereby repealed.

CHAP. VIII.—*An Act to Provide Payment for Services Rendered by James Buckner in Enrolling the Militia in Humboldt County.*

[Approved January 28, 1881.]

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

James Buckner, appropriation for relief of.

Payment provided for.

SECTION 1. The sum of two hundred and fifty dollars is hereby appropriated out of any funds in the State Treasury, not otherwise specifically appropriated, for the payment of James Buckner, for services rendered, as required by law, in enrolling the militia in Humboldt County for the years 1875, 1876, 1877, and 1878. The State Controller is hereby directed to draw his warrant on the State Treasurer in favor of James Buckner for said sum, and the said Treasurer is hereby directed to pay the same out of the funds herein appropriated.

NEW HAMPSHIRE



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goaler or prison keeper during their imprisonment ; for which subsistence each prisoner before he be discharged of the prison, shall pay the goaler three shillings and six pence per week.

His allowance.

AN ACT IN ADDITION TO THE ACT FOR THE REGULATING THE MILITIA.

Pass'd the 5th of Geo. 1.

Vide page 80.

Be it Enacted by his Excellency the Governor, Council, and Representatives, in General Assembly convened, and by the Authority of the same :

That when and so often as the commanding officer of any of the companies of trained soldiers within this province, shall be legally required to detach any soldier or soldiers out of such his company for his Majesty's service, it shall be accounted a sufficient impress for such soldier or soldiers, that the commanding officer of such company send a warrant under his hand and seal, by the hand of a serjeant, unto such soldier's house, or usual place of his abode, for that end : And whatever soldier shall presume hereafter to neglect such warrant, or not to attend accordingly, shall pay a fine of four pounds, to be taken from such delinquent by the captains or commanding officers warrant, directed to the clerk of such company, and be applied to the encouragement of other soldiers who shall proceed in his Majesty's service. And if such delinquent refuse to pay such fine, he shall be forthwith sent to his Majesty's goal within this province, by virtue of such captains or commanding officers mittimus, there to remain, until he pay the aforesaid fine, together with all necessary fees and charges.

A warrant under the hand and seal of the captain left at a soldier's dwelling place is sufficient impress.

Penalty for not attending.

Delinquents to be sent to prison.

And be it further Enacted by the Authority aforesaid, That whosoever in the time of war, shall neglect to give their attendance at the garrison to which they are ordered by the committee of militia in the town where they dwell, or shall at any time omit, or negligently perform their duty of watching and warding, as they shall be ordered in their turns ; that is to say, to watch by night constantly from sun-setting to sun-rising, and to ward by day from sun-rising to sun-setting, with well fixed arms and ammunition, as they are ordered to appear on muster-days ; every such offender shall pay a fine of twenty shillings in money, for each offence besides the charges, and the fine to be repeated as often as any of the offences shall be committed. And in case any person or persons shall refuse the present payment of such fine, they shall forthwith, by warrant from the commanding officers of the company to which they belong, directed to the clerk thereof, be forthwith sent to his Majesty's goal in Portsmouth, there to remain until the fine be paid, and all charges accruing thereon. And in like manner, shall delinquents on training-days, and delinquents in appearing on alarms be punished, in case they pay not the fines by law to be inflicted.

Delinquents in watching, warding, how to be punished.

To be sent to goal.

And be it further Enacted by the Authority aforesaid, That no person or persons whatever in any town or garrison within this

No gun to be shot after sunset in time of war.

province, shall during the time of war, or of keeping a military watch in such town or garrison, presume to discharge or shoot off any gun or guns after sun-setting, or before the sun's-rising, unless in case of alarm, approach of an enemy, or other necessary defence ; on pain that every person so offending, and being thereof convicted before one or more of his Majesty's justices of the peace for this province, shall forfeit and pay the sum of five shillings, for each gun so discharged ; one moiety thereof to the use of the poor of the town where the offence is committed, and the other moiety to him or them that shall inform or prosecute for the same. And if such offender shall not be able to pay the said fine, then he shall be set in the stocks by the space of two hours.

Penalty. And in case any person so offending doth belong to any garrison or forces in actual service, and kept in his Majesty's pay, he shall be punished at the discretion of the commission officers of the garrison, company, or troop where he belongs, by putting into the bilboes, laying neck and heels, riding the wooden horse, or running the gantlet.

If the person offending be in actual service, then to be laid neck & heels, &c.

Deserters accounted as felons, & to be punished with death, &c.

And be it further Enacted by the Authority aforesaid, That no soldier or mariner retained in his Majesty's service, and kept in his Majesty's pay in garrison, or elsewhere by sea or land, shall depart without licence of his commander, and desert his Majesty's service, on pain of being proceeded against as a felon, and shall suffer the pains of death, or some other grievous punishment at the discretion of the court before whom the trial shall be.

To be tried at superior court of oyer and terminer.

And every justice of peace within this province is hereby authorized and required to cause all such deserters, or run-away soldiers, or mariners, which he shall know or be informed of, to be apprehended and secured in order to a trial at the next superior court to be holden for this province, or at a court of oyer and terminer by commissioners to be especially appointed and empowered by the Governor and commander in chief for the time being, who is hereby authorized to grant commissions for that purpose.

Pass'd the 5th of Geo. 1. AN ACT FOR PREVENTING MASTERS OF SHIPS CONVEYING DEBTORS OUT OF THIS PROVINCE.

Preamble. Whereas complaint is made by sundry inhabitants of this province, that they have sustained great damage by masters of ships, and other vessels transporting their debtors out of this province into foreign parts of the world :

For preventing whereof ;

Be it Enacted by his Excellency the Governor, Council, and Representatives, in General Assembly convened, and by the Authority of the same it is hereby Enacted :

No master of ship to har-

That no commander or master of any ship or vessel whatever, coming into, tarrying, or abiding in, or going forth of any port or

NEW JERSEY



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CHAP. XXXV.

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

Any Person killing Deer in the Time by this Act dis-allowed, to forfeit 30s. &c.

Sec't. 1. **B**E IT ENACTED by the Governour, Council and General Assembly, AND IT IS HEREBY ENACTED by the Authority of the same, That if any Person or Persons, after the Publication hereof, shall kill or destroy any wild Buck, Doe or Fawn, or any other Sort of Deer whatsoever, at any Time in the Months of *January, February, March, April, May or June*, every such Person shall, for every such Offence, forfeit and pay the Sum of *Thirty Shillings*, for every such Buck, Doe or Fawn, or other Deer, so killed or destroyed as aforesaid, contrary to the true Intent and Meaning of this Act; one half thereof to the Poor of the Township or Precinct where the Offence is committed, and the other half to him who shall Inform or Sue for the same before any Justice of the Peace of this Province, who is hereby empowered and authorized to hear and determine the same, and to convict the Offender by the Oath or Affirmation of one or more Witnesses. Provided That ~~such~~ Conviction be made within two Months after ~~the~~ Offence committed.

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

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

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

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

4. And

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

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

Not on Lands uninclosed, unless freeholders &c.

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

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

Want of Effects to be committed to Gaol.

C c

before

before him, and in Case of the want of Effects whereon to make Distress, to make out his Mittimus to commit such Offender to the Gaol of the County in which such Conviction is made; and the Sheriff, Under-Sheriff, or Gaol-keeper, is hereby directed and required to keep the said Offender in close Gaol, according to the Direction of this Act, and Tenor of such Mittimus to such Sheriff, Under-Sheriff, or Gaoler directed.

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

And every Justice of the Peace neglecting or refusing to issue such Warrant, or make such Mittimus, and every Sheriff, or Under-Sheriff or Gaol-keeper, who shall not receive such Offender, and keep him in close Gaol, according to the true Intent and Meaning of this Act, shall, for every such neglect or refusal, or undue discharge of his Office in the Premises, forfeit the Sum of *Six Pounds*, to be recovered in any Court of Record within this Province, in which there shall be no Effloyn or Protection; the one half to such Person as shall sue for and prosecute the same to Effect, the other half to the King's Majesty, His Heirs and Successors, for and towards the Support of the Government of this Province.

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

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

ACTS passed by the General Assembly of the Province of *New-Jersey*, at *Burlington*, in 1723, being the Tenth Year of his Majesty's Reign.

CHAP. XXXVI

An ACT for an Additional Support of this Government, and making Current Forty Thousand Pounds in Bills of Credit, for that and other Purposes therein mentioned.

Sect. 1. **W**HEREAS many Petitions and Applications have been made to his Excellency the Governor of this Province, by the Free-holders, Merchants and Inhabitants of the same, setting forth, That the Silver and Gold formerly Current in this Province; is almost entirely exported to *Great-Britain*, and else-where, and thereby the many Hardships which His Majesty's good Subjects within this Colony lie under, for want of a Currency of Money, and that both the Neighbouring Provinces of *New-York* and *Pennsylvania*, to which the Exportation of this Province is chiefly carried, have their Currency of Money in Paper Bills, and do pay for the Produce of this Province in no other Specie; and which Bills of Credit of the Neighbouring Provinces being no legal Tender here, does expose the Inhabitants of this Province to numerous vexatious Suits, for want of Bills of Credit in this Province, by Law made and declared a legal Tender, as is done in the Neighbouring Provinces. And his Excellency having the Good and Ease of His Majesty's Subjects of this Province at Heart, has been pleased to call their Representatives together in General Assembly, to provide Remedies for the Grievance aforesaid, who being convened here at *Burlington*, and taking into their serious Consideration the miserable Circumstances of the Inhabitants of the

Introduction

Hardships that Province lies under.



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At a GENERAL ASSEMBLY held at

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

SESSION THE FOURTH.

C H A P. DXXXIX.

*An ACT to continue and amend an Act, entitled, An Act for better settling and regulating the Militia of this Colony of New-Jersey; for the repelling Invasions, and suppressing Insurrections and Rebellions.**

Passed Dec. 21, 1771.

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

Preamble.

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

Limitation.

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

Commissioned Officers not to be chosen Constables.

• C H A P. DXL.

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

Passed Dec. 21, 1771.

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

Preamble.

* Chap. CC.

ing

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

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

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

Penalty.

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

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

Penalty.

Penalty on Non-Residents.

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

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

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

What shall be Evidence of such Killing, &c.

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

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

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

Who may hunt on unimproved Lands.

Penalty on Offenders.

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

Penalty on setting Traps, &c.

Penalty on a Slave setting such Trap, &c.

Penalty on keeping such Trap, &c.

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

Reward for seizing a Trap, &c.

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

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

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

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

Penalty for setting loaded Guns.

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

Application of Penalties.

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

Jurisdiction given to one Magistrate.

This Act not to affect Parks.

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

Penalty on Magistrate neglecting his Duty.

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

14. AND

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

This Act to be published and executed.

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

Appeal given to next Sessions.

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

Penalty for watching in the Night near a Road.

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

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

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

Repeal of Former Laws.

C H A P. DXLI.

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

Passed Dec. 21, 1771.

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

Preamble.



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33. SEC. 2. That when the expense of erecting, rebuilding or repairing such bridge shall exceed two hundred and fifty dollars, and be less than one thousand dollars, it shall be the duty of the overseer of the highways within whose limits or division the same may be, or of either of the overseers of the adjoining townships, to give notice thereof in writing, under his hand, to the chosen freeholders of such township and of the two next adjacent townships in said county, and in such notice to appoint the time and place of their meeting, for the purpose of taking the same under their consideration; and the said chosen freeholders, or a majority of them, are hereby authorized to order if they think proper, the said bridge to be built, rebuilt or repaired, and to superintend or contract for the doing thereof; and for defraying the expense thereby incurred, the director of the board of chosen freeholders of said county shall draw upon the county collector, who is hereby empowered and required forthwith to pay the same out of any county moneys in his hands.

Proceedings when the expense of erecting, rebuilding or repairing shall exceed \$250 and be less than \$1,000.

34. SEC. 3. That when the expense of erecting, rebuilding or repairing such bridge shall not exceed two hundred and fifty dollars, inclusive of the necessary materials, it shall and may be lawful for the overseer of the highways within whose limits or division the same may be, and the two chosen freeholders of the said township, or the major part of them, to direct such bridge to be built, rebuilt or repaired, and to superintend or contract for the doing thereof; and for defraying the amount of said expense not exceeding the sum aforesaid, the director of the said board of chosen freeholders of said county shall draw on the county collector, who is hereby authorized and directed to pay such order out of any county moneys in his hands.

Proceedings when the expenses will not exceed \$250.

An act for the protection of bridges over the river Delaware.

Approved February 28, 1872.

P. L. 1872, p. 16.

35. SEC. 1. That if any person or persons shall wilfully cut, destroy, break or remove from any bridge over the river Delaware, between this state and the state of Pennsylvania, any pieces of timber, planks, stones, chains, rods, bolts, screws or any other materials whatsoever, belonging to said bridge, or shall remove or take away, from within the space of thirty feet from above or below any of the piers or abutments of any such bridge, or from alongside thereof, any sand, gravel or stones, or other materials used for ripraps, or breakers, or protection of said piers or abutments; or otherwise wilfully, maliciously or voluntarily damage the same, he or they shall forfeit and pay for every such offence, over and above the damages done, the sum of thirty dollars, with costs of suit, to be recovered by the corporation so injured, before any court having cognizance of that sum, in either of the counties of this state, or of the state of Pennsylvania, where the said bridge may be situated.

Penalty for destroying or removing any timber or other material from bridges over the river Delaware.

36. SEC. 2. That if any person or persons shall ride or drive any horse, mule or wagon over any of the toll bridges over the river Delaware, as aforesaid, at a faster gait than a walk, he or they shall forfeit and pay for every such offence, the sum of ten dollars, with costs of suit, to be recovered in the same manner as the penalty in the preceding section; *provided*, that this act shall not be construed to prevent any physician or midwife, or persons going for the same and returning from said errand, or riding express, by order of any public officer of these two states, or carrying the mail of the United States, from riding or driving over any of such toll bridges at a faster gait than a walk.

Penalty for riding or driving at a faster gait than a walk.

Proviso.

37. SEC. 3. That it shall not be lawful for any person or persons passing, riding or driving over any toll bridge, as aforesaid, to carry any lighted cigar or pipe, or to carry fire in any form, or to light any match, or cigar, or pipe, or to fire off any gun, or other fire arms, or to explode any fire works of any description, on said bridge, or within its enclosures; or to engage in any game with cards or other device for money, or the value of money, or for pleasure, or to engage in any foot racing, or other racing; or to congregate upon such bridge so as, in any wise, to interfere or annoy persons travelling over the same, under the penalty of ten dollars for each and every such offence, to be recovered as aforesaid, with costs of suit against each and every person so offending.

Penalty for carrying fire on the bridges or exploding fire-works, &c.

- Shall keep to the right. 38. Sec. 4. That every person passing with horses, mules, cattle or wagons over any of said bridges, shall keep to the right hand side of the roadway thereof, under forfeiture and penalty of five dollars, with costs of suit, for each and every violation of this section, to be recovered as aforesaid.
- Notices to be kept up. 39. Sec. 5. That the several toll bridge companies over the river Delaware, shall cause to be placed, and kept up, upon each end of said several bridges, a painted notice, specifying the offences, in this act mentioned, and the penalties therefor, excepting those stated in the first section hereof.
- When act shall take effect. 40. Sec. 6. That this act shall go into effect so soon as the same shall be ratified by the legislature of the state of Pennsylvania.

Building and Loan Associations.

1. Association for incorporation authorized.
2. Formation by certificate filed with county clerk.
3. Clerk to file and record. Fee of clerk.
4. Parents and guardians may hold shares.
5. Right of membership.
6. Investment of funds.
7. Married women and minors may hold shares.
8. Constitution and articles of government.
9. Annual statement, if required.
10. Lands may be sold to any one whether members or not.
11. Original associates and assigns the only members.
12. Deeds valid with restrictions against nuisances.
13. By-laws, &c., to regulate.
14. Powers reserved to repeal.
15. Partition by lot authorized.
16. Association for formation of building companies. Certificate where recorded and filed.
17. Supplemental certificate may be executed, recorded and filed.
18. Real and personal estate liable to taxation.

- P. L. 1849, p. 227.
 " 1852, p. 83.
 " 1855, p. 423.
 " 1869, p. 40.

An act to encourage the establishment of mutual loan, homestead and building associations.

Revision—Approved April 9, 1875.

Association for incorporation authorized.

1. That any number of persons, not less than five, may associate and form an incorporated company for the purpose of assisting each other, and all who may afterwards become associated with them in acquiring real estate, making improvements thereon, and removing incumbrances therefrom, by the payment of periodical instalments; and for the further purpose of accumulating a fund to be returned to its members who do not obtain advances, for purposes above mentioned, when the funds of such association shall amount to a certain sum per share, to be specified in the articles of association.(a)

Formation by certificate filed with county clerk.

2. Any such persons who shall sign a certificate, setting forth that they have formed such an association under the provisions of this act, and the name adopted for such association, and the city, borough or township where it is to be located and its business transacted, and who shall cause the same to be delivered to the clerk of the county which embraces the place of its location, thereupon, together with all who may afterwards become members, their successors and assigns, shall be a body corporate and politic in law, with all the powers mentioned in the first section of the act entitled "An act concerning corporations."

Clerk to file and record. Fee of clerk.

3. The said clerk shall immediately file said certificate, and record the same in a book to be kept for that purpose, for which he shall be entitled to receive the sum of twenty-five cents.

(a) If a shareholder, by the purchase of a loan at a discount, pays more than legal interest for the money he borrows, it is not usurious. *Franklin Building Association v. Marsh*, 5 *Dutch*, 225. *Hoboken Building Association v. Martin*, 2 *Beas.* 428. Where the penalty of the obligation was "to pay three dollars per month during the existence of the association, and all fines incurred during said time, and to comply with all covenants, promises and agreements entered into according to the articles of association;" the payments were held to be on account of the principal of the bond, *Savings Association v. Vanderveere*, 3 *Stock*, 382. Nor can any deductions be made for any monthly instalments paid on the stock, where the mortgagor was a shareholder, nor for the premium on the loan, nor for fines paid by him. *Mechanics Building Association v. Conover*, 1 *McCart* 219. Where the mortgagor also transferred to the associa-

tionsome of its shares as additional security, and afterwards executed a second mortgage on the same lot, such second mortgagee can require the amount realized from a sale of such shares to be applied to the payment of the first mortgage, nor can this equity be affected by subsequent judgment creditors, *Ibid.* See S. C. on appeal, 2 *C. E. Gr.* 497. It is no defence to such a mortgage that the other shareholders have failed to pay their dues. An agreement to wind up the association by paying the owners of the unredeemed shares the sums they had advanced, with interest, and that the owners of the redeemed shares who had given mortgages for the price of redemption should be discharged upon paying the amount of their mortgages with interest, is valid, and will be enforced, *Hoboken Building Association v. Martin*, 2 *Beas.* 428.

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1st GEORGE III.
A. D. 1761.

The Twenty-seventh A S S E M B L Y.

F I R S T S E S S I O N S.

C H A P. MCXLV.

An ACT for raising, paying, and cloathing Seventeen Hundred and Eighty Seven effective Men, Officers included, to be employed in securing his Majesty's Conquests in North-America, and other Purposes therein mentioned.

Pafs'd the 4th of April, 1761.

Obsolete.

C H A P. MCXLVI.

An ACT to revive an Act, entitled, An Act for regulating the Pilots, and establishing their Pilotage between Sandy-Hook and the Port of New-York, and other Purposes therein mentioned.

Pafs'd the 4th April, 1761.

See Chap. 1083.
Continued Chap.
1191.

C H A P. MCXLVII.

An ACT for raising a Sum not exceeding Three Thousand Pounds, by Way of Lottery, for building a Light-House.

Pafs'd the 19th May, 1761.

Obsolete.

C H A P. MCXLVIII.

*An ACT for the Relief of insolvent Debtors, and for repealing *the Acts therein mentioned.*

Pafs'd the 19th May, 1761.

*The Acts repealed are Ch. 980, 998. Continued and amended Ch. 1232. Further amended Chap. 1280. Expired 1st Ja. 1770. Revived as to Daniel Hawxburſt and Jacob Kemper, C. 1464, S. 15. Revived as to several other Persons Chap. 1566.

The Acts hereby amended and made valid are Ch. 908, Ch. 939 and Ch. 1096.

Preamble.

C H A P. MCXLIX.

An ACT to amend and make valid the Acts therein mentioned.

Pafs'd the 19th May, 1761.

WHEREAS one certain Act, entitled, *An Act to prevent Frauds in Debtors*; passed in the Twenty-fifth Year of his late Majesty King George the Second's Reign, was intended to be continued by two other Acts: The one entitled, *An Act to continue an Act, entitled, An Act to prevent Frauds in Debtors, with an Addition thereto*; passed in the Twenty-seventh Year of his said late Majesty's Reign, to the first Day of January, in the Year of our Lord One Thousand Seven Hundred and Fifty-four*: The other entitled, *An Act further to continue an Act, entitled, An Act to prevent Frauds in Debtors, together with the Act therein mentioned*; passed in the

Thirty-

* This should be 1760—See p. 316.

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

4th GEORGE III.
 A. D. 1763.

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

[The Rest of this Act is OBSOLETE.]

C H A P. MCCXXIX.

An ACT to regulate the gauging of Wine, Rum, and other Spirituous Liquors, Molasses, and other Purposes therein mentioned.

Pass'd the 20th December, 1763.

Expired 1st January, 1771.

C H A P. MCCXXX.

An ACT to lay a Duty of Tonnage on Vessels for defraying the Expence of the Light-House on Sandy-Hook.

Pass'd the 20th December, 1763.

Continued Chap. 1277.
 Expired 1st January, 1772.
 Provided for Ch. 1315.

C H A P. MCCXXXI.

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

Pass'd the 20th December, 1763.

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

C H A P. MCCXXXII.

An ACT to continue an Act, entitled, An Act for the Relief of Insolvent Debtors, and for repealing the Acts therein mentioned, with an Addition thereto.

Pass'd the 20th December, 1763.

See Chap. 1148.
 Continued Ch. 1309.

C H A P. MCCXXXIII.

An ACT to prevent hunting with Fire-Arms in the City of New-York, and the Liberties thereof.

Pass'd the 20th December, 1763.

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

Preamble.

4th GEORGE III.
A. D. 1763.

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

Or passing thro' Orchards, &c. without Arms.

Before whom Offenders to be convicted.

Forfeitures how to be recovered and applied.

Offenders to be imprisoned if the Fines are not paid,

Provido.

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

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

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

C H A P. MCCXXXIV.

Expired 1st January, 1770.
Provided for Ch. 1441.

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

C H A P. MCCXXXV.

Obsolete.

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

C H A P.



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he shall be committed to the common gaol of the county, there to remain without bail or mainprife for the term of six calendar months.

vol 72 E I G H T H S E S S I O N .
reads this

C H A P. L I V .

act
An ACT to restrain Hawkers and Pedlars.

Passed 4th April, 1785.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of July next, no person or persons shall or may use or exercise the profession or calling of a hawker or pedlar in this state, under the penalty of five pounds for each offence, to be recovered, with costs in any court having cognizance to try the same ; the one half of which said penalty shall go to the person or persons who shall sue and prosecute for the same, and the other half to the poor of the town, manor, district or precinct where the offence shall be committed. *Provided always,* That this act shall not be construed to debar any person or persons, from carrying, conveying or selling any goods, wares or merchandize, of the growth, produce or manufacture of this state, or of any other of the United States of America ; and that all suits to be brought for any offence against the true intent and meaning of this act, shall be brought within thirty days after the offence shall be committed.

C H A P. L X X X I .

An ACT to prevent the Firing of Guns and other Fire-Arms within this State, on certain days therein mentioned.

Passed 22d April, 1785.

WHIEREAS great dangers have arisen, and mischief been done by the pernicious practice of firing guns, pistols, rockets, squibs, and other fire-works, on the eve of the last day of December, and first and second days of January ; For prevention whereof for the future,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That if any person or persons whomsoever, shall fire or discharge any gun, pistol, rocket, squib or other fire-work, within a quarter of a mile of any building, on the said eve or days before mentioned, every such person or persons so offending, and being thereof

convicted before any justice of the peace of the city or county where such offence shall be committed, either by the confession of the party or parties so offending, or the oath of any one credible witness, shall for every such offence, forfeit the sum of forty shillings, with costs of suit, to be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of the said justice before whom such conviction or convictions shall be had as aforesaid; the one moiety of which forfeiture to be applied to the use of the poor of the town or place wherein such offender shall be convicted, and the other moiety to the use of the person or persons who shall prosecute for the same; and for want of sufficient distress whereon to levy the same, every such justice is hereby empowered and required, by warrant under his hand and seal, to commit every such person or persons so as aforesaid offending, to the common gaol of the county wherein the said forfeiture shall arise, there to remain without bail or mainprize, for the space of one month, unless such forfeiture or forfeitures be sooner paid.

N I N T H S E S S I O N .

C H A P. V I I .

An ACT for regulating Trials upon Writs of Right.

Passed 6th February, 1786.

WHEREAS formerly trials upon writs of right were by battle or the grand assize. And whereas the barbarous custom of trials by battle hath deservedly fallen into disuse, but hath never been abrogated by law. And whereas by the institution of the trial by the grand assize, four knights are to be summoned to elect the recognitors: And whereas there is not, nor cannot, by law, be any such order of men in this state;

Trial by battle abolished.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That trials by battle in all cases shall be, and hereby are forever abolished.

Electors of the grand assize.

II. And be it further enacted by the authority aforesaid, That in all writs hereafter to be issued for summoning electors of the grand assize, instead of the words, Four lawful knights of your county girt with swords, the words, Four good and lawful men of your county, shall be inserted. And that every of the said men to be summoned and returned to make election of the grand assize, shall always be such as are or shall be duly qualified to vote for senators, according to the constitution of this state.



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L A W S
OF THE
STATE OF NEW-YORK,
PASSED BY THE
LEGISLATURE AT THEIR NINTH SESSION

CHAP. 1.

AN ACT relative to buildings in the city of New York.

PASSED the 31st of January, 1786.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all and every fine or penalty incurred before the passing of this act, for any offence or neglect committed or suffered contrary to the true intent and meaning of an act entitled An act for the more effectual preventions of fires, and for regulating of buildings in the city of New York, passed the 31st of December in the year of our Lord 1761, and of the act entitled An act to amend an act for the more effective prevention of fires, and for regulating of buildings in the city of New York, passed the 1st of April 1775 shall be and the same are hereby respectively remitted; and that the two above mentioned laws be and they hereby are suspended until the first day of January next.

Buildings
in New
York city;
penalties
incurred
for viola-
tion of law
concern-
ing re-
mitted.

CHAP. 2.

A supplementary act to the act entitled an act vesting the real estate of Benjamin Moore Senior late of the city of New York sailmaker deceased, in trustees for the payment of his debts, and for other purposes therein mentioned.

PASSED the 31st of January, 1786.

WHEREAS it was necessary in and by the said act that the trustees thereby appointed, should before they exercised any of the powers to

Preamble.

affidavits in the form aforesaid, by them respectively made in the month of April or month of May then last past, and to charge such sum or sums as paid to the United States, to be deducted from the quotas of this State, agreeably to the above recited act. *Provided always* that the said treasurer, shall not pay any of the said invalids for any period for which they respectively may have been settled with, in pursuance of any former law of this State.

And be it further enacted by the authority aforesaid, That the act entitled "An act to carry into execution certain resolutions of Congress making provision for persons, who may become disabled while in the service of the United States "passed the 10th of March 1779," and the act entitled "An act for making further provision for persons who have or may become disabled while in the service of the United States "passed the 18th of March 1783," be and the same are hereby repealed, as far as respects pensions or allowances on account of disability after the first day of June last.

Acts
repealed
repealed.

CHAP. 43.

AN ACT for the more effectual prevention of fires in the city of New York.

PASSED the 22d of April, 1786.

WHEREAS the storing of pitch, tar, turpentine, rosin, spirits of turpentine, linseed oil, or shingles in any houses, store houses, cellars or other places within this city, may be of very bad consequence in case of fire breaking out at or near the place, where any such commodities are stored. Preamble.

And whereas the firing and discharging of guns, pistols, rockets, crackers, squibs and other fire works in the city of New York, may not only do personal injury to the inhabitants and others, but the city be in danger of being set on fire by such practices; for remedy whereof. Inflam-
mable sub-
stances,
storing of,
in New
York city
prohibited
in part
specified.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of June next, no pitch, tar, turpentine, rosin, spirits of turpentine, linseed oil, or shingles, shall or may be put in any place in the city of New York to the southward of fresh water, other than in such proper place or places as shall be appointed and approved of by the mayor aldermen and commonalty of the city of New York, in common council convened, under the penalty of ten pounds for every offence or refusal to remove the same, to be levied by warrant under the hand and seal of one or more justices of the peace for the city and county of New York, by distress and sale of the goods and chattels of the offender upon due conviction upon oath, or upon the view of one or more of such justices of the peace, rendering the overplus (if any be) to the owners: And for want of such distress, the offender shall be imprisoned by warrant from the said justice or justices, who are hereby impowered and required to issue such warrant until payment as aforesaid; which said forfeitures shall be paid to the chamberlain of the city of New York for the time being, for the use of the poor of the said city. *Provided always* that it shall and may be lawful to and for such inhabitants of the said city, who are ship chandlers, to have near their doors in the open street, and not in any building

or inclosure, a small quantity of pitch, tar, rosin and turpentine, not exceeding in the whole at any one time, twenty barrels, in order the more readily and handily to supply the merchant ships and others, who may have occasion for small quantities of such commodities, any thing herein before contained to the contrary hereof in any wise notwithstanding.

Discharge
of fire-
works in
part of city
specified,
penalty
for.

And be it further enacted by the authority aforesaid, That if any person or persons of what age sex or quality soever, from and after the said first day of June next, shall fire and discharge any gun, pistol, rocket, cracker, squib or other fire work, in any street, lane or alley, garden or other inclosure or from any house, or in any other place where persons frequently walk, to the southward of fresh water; that then every such person or persons so offending and being thereof convicted before one or more justice or justices of the peace, for the said city, and county of New York, either by the confession of the party or parties so offending or the oath of one or more witness or witnesses (which oath the said justice or justices of the peace is and are hereby impowered and required to administer) shall for every such offence forfeit the sum of twenty shillings, the said forfeitures to be levied by distress and sale of the goods and chattels of every such offender by warrant under the hand and seal of the said justice or justices of the peace before whom such conviction or convictions, shall be as aforesaid made; which forfeiture shall be paid to the said chamberlain for the use of the poor of the said city of New York. And if the said offenders shall not pay the said forfeiture or forfeitures, upon conviction as aforesaid, and want of sufficient distress whereon the same can be made, that then every such justice or justices of the peace is and are hereby impowered and required by warrant under his or their hands and seal to commit every such person or persons so as aforesaid offending, to the common gaol of the city and county of New York, there to remain without bail or mainprize for the space of ten days, unless such forfeiture or forfeitures be sooner paid; but in case such offender or offenders, in the premises last above mentioned, shall happen to be a slave or slaves, and the forfeiture or forfeitures aforesaid, shall not be forthwith paid, that then it shall and may be lawful to and for such justice or justices before whom the conviction shall be, to cause such slave or slaves to be publicly whipped on the naked back, such number of stripes as he or they shall think proper, not exceeding thirty nine which punishment shall be in lieu and stead of the said forfeiture.

CHAP. 44.

AN ACT for keeping the highway in that part of the manor of Rensselaerwyck called the Colonie in repair.

PASSED the 22d of April, 1786.

Colonte,
cleaning
and clear-
ing of
streets in,
provisions
for.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same That it shall and may be lawful to and for the overseers of the highway to be elected in the manner herein after mentioned respectively from time to time to direct all and every person and persons being inhabitants of that part of the west district of the manor of Rensselaerwyck lying to the northward of the city of Albany and to the southward of



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LAWS
OF THE
STATE OF NEW YORK

PASSED AT THE
SESSION OF THE LEGISLATURE

HELD IN THE YEAR

1801,

BEING THE TWENTY-FOURTH SESSION.

(INCLUDING THE ACTS COMMONLY CALLED REVISED ACTS OF
THAT SESSION.)

REPUBLISHED BY THE SECRETARY OF STATE, PURSUANT TO
CHAPTER THREE HUNDRED AND FORTY-ONE OF THE LAWS
OF EIGHTEEN HUNDRED AND EIGHTY-FIVE.

VOLUME V.



ALBANY:
WEED, PARSONS AND COMPANY, PRINTERS.

1887.

account and inventory that the annual revenue of any church, congregation or religious society in either of the said cities exceeds the sum which by virtue of any charter or law they may or can respectively hold and enjoy, it shall be the duty of the chancellor justice or judge before whom the same shall be so exhibited to report the same together with such account and inventory to the legislature at their next meeting.

Churches chartered by Colony of New York.

And be it further enacted, That it shall be lawful for every religious corporation, created by letters patent under the great seal of the Colony of New York, to have, hold and enjoy lands, tenements, goods and chattels of the yearly value of three thousand dollars although the letters patent by which such corporation was created, should contain a clause or clauses restricting and limiting the annual revenue and income of such corporation to a less sum than the said three thousand dollars.—

Corporations heretofore organized.

And be it further enacted, That every corporation of any church, congregation or religious society heretofore made in pursuance of any law of this State and in conformity to the directions contained in this act shall be and the same is hereby established and confirmed and such corporation shall be deemed to have commenced from the time of recording such certificate as aforesaid, and in case of the dissolution of any such corporation or of any corporation hereafter to be formed in pursuance of this act by reason of a non compliance with the directions herein contained the same may be re-incorporated in the manner prescribed in this act at any time within three years after such dissolution, and thereupon all the estate real and personal formerly belonging to the same shall vest in such corporation as if the same had not been dissolved; *provided* that in such case the said account and inventory required to be exhibited by such corporation in the cities of New York, Albany and Schenectady shall be exhibited within one month after such re-incorporation and triennially thereafter as above directed.

Methodist Episcopal Church in New York city.

And be it further enacted, That the corporation of the Methodist Episcopal Church in the city of New York shall be and hereby are authorised to continue to elect nine trustees of the said corporation in the same manner as if that number of trustees had originally been named in the certificate of incorporation, and such trustees shall be classed or continue to be classed in the manner prescribed by the sixth section of this act.—

CHAP. 80.

AN ACT for the more effectual prevention of fires and to regulate buildings in the city of New York.—

PASSED the 27th of March, 1801.

Restrictions on buildings within certain limits.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That all dwelling houses, store houses and other buildings which from and after the passing of this act shall be built or erected within the city of New York, that is to say, within that part of the said city to the northward of the point of the battery, and included between the said point of the battery, and a line beginning upon the East river in a direct line from the corner of Montgomery and Cherry streets, thence down Cherry street to Pearl street, thence down Pearl street to Beekman street, thence through Beekman street to Chatham row, thence down Chatham row and across Broadway to Partition street; thence through Partition street across Greenwich and Washington streets

to Hudson's river, including also the lots of ground on the northwardly and eastwardly sides of the said streets, through which the above mentioned line runs, shall be made and constructed of stone or brick, with party or fire walls, rising at least six inches above the roof, and shall be covered, except the flat roof thereof, with tile or slate or other safe material against fire and not with boards or shingles; *provided* such flat do not exceed two fifth parts of such roof and that there be erected around the same flat a substantial balcony or balustrade.—

And be it further enacted, That if any dwelling house, store house or other building whatsoever shall be erected or roofed contrary to this act, the proprietor or proprietors thereof shall for every such offence forfeit and pay the sum of five hundred dollars, and the workmen who shall build or roof such dwelling house, store house, or other building contrary to this act, whether he be the proprietor or not shall for every such offence forfeit and pay the sum of two hundred and fifty dollars, to be recovered with costs of suit in any court of record within this State by the treasurer or chamberlain of the said city for the use of the poor thereof, and when recovered shall be appropriated by the common council of the said city in the same manner as the monies raised by tax for the maintenance of the poor of the said city are by law directed to be applied, and no such action or suit shall be abated or discontinued by the death, resignation, removal from office or other change of such treasurer or chamberlain, but shall and may be continued and prosecuted to effect by his successor in office.

Penalty for violations.

And be it further enacted, That all dwelling houses, store houses and other buildings whatsoever which after the passing of this act shall be built or erected within the said city eastwardly and northwardly of the line herein before described and to the south and west of a line beginning at the outlet of the meadow of Anthony Lispenard into Hudson's river, and thence running to and along the north side of the dwelling house late of Nicholas Bayard esquire deceased, thence to and along the north side of the dwelling house of John R. Livingston, and thence to and along the north side of the dwelling house of Abraham Cannon to the East river, and which from the surface or level of the street or ground to which such building shall adjoin either in the front or in the rear to the foot of the rafter shall be more than twenty five feet, shall be made and constructed of stone, or brick with party or fire walls rising at least six inches above the roof, and shall be covered except the flat roof thereof with tile or slate, or other safe materials against fire, and not with boards or shingles, *provided* such flat do not exceed two equal fifth parts of the space of such roof, and that there be erected around the same a substantial balcony or balustrade.—

Restrictions on buildings within certain other limits.

And be it further enacted, That if any dwelling house store house or other building whatsoever shall be erected or roofed contrary to this act, the proprietor or proprietors thereof shall for every such offence forfeit and pay the sum of four hundred dollars, and the workmen who shall build or roof such dwelling house, store house, or other building contrary to this act, whether he be the proprietor or not shall for every such offence forfeit and pay the sum of two hundred dollars to be recovered with costs of suit in any court of record within this State by the treasurer or chamberlain of the said city for the use of the poor thereof, and when recovered shall be appropriated by the common council of the said city in manner aforesaid, and no such action or suit shall be abated or discontinued by the death, resignation, removal from office or other change of such treasurer or chamberlain, but shall and may be continued and prosecuted to effect by his successor in office. And the

Penalty for violations.

more effectually to prevent the erection of any such dwelling house, store house or other building within the said city contrary to this act,—

What
buildings
deemed
public
nuisances.

Be it further enacted, That every such dwelling house, store house, or other building which after the passing of this act shall be erected or roofed within the said city contrary to this act, shall be deemed a common and public nuisance, and the justices of the supreme court and the justices of the courts of oyer and terminer or gaol delivery and the justices of the courts of general sessions of the peace, shall within the said city have cognizance of such offences, and are hereby enjoined and required in all and every of the charges thereafter to be made or given by them to the grand juries in their respective courts, strictly to charge such grand jurors diligently to enquire of, and to present all offences against this act, and the court to which an indictment or presentment shall be preferred for such offence shall be and hereby is empowered and enjoined to prosecute such indictment or cause the same to be prosecuted in the usual manner of prosecution; and upon conviction to adjudge such fines and penalties as they in their discretion shall think fit and proper; and also in their discretion to cause such nuisance to be abated and removed.—

New roofs
of build-
ings.

And be it further enacted, That if any dwelling house, store house or other building already erected and now covered with boards or shingles within the said city southward and westward of the line last mentioned, shall at any time hereafter require to be new roofed it shall and may be lawful for the proprietor or proprietors thereof to roof the same with boards or shingles or in such other manner as was customary before the passing of this act, any thing herein before contained to the contrary notwithstanding.—

Roofs and
spires of
public
buildings.

And be it further enacted, That all roofs, steeples, cupolas and spires of churches and other public buildings may be covered with boards and shingles; and all privies not exceeding ten feet square and fifteen feet in height, and all fire engine houses of the corporation, and all lime houses which shall be erected by the express permission of the corporation, may be built of wood and boards, or brick and stone and covered with boards or shingles, any thing in this act to the contrary notwithstanding.

Storage of
sulphur,
hemp and
flax.

And be it further enacted, That from and after the passing of this act, no greater quantity of sulphur than ten hundred weight, and no greater quantity of hemp or flax than twenty hundred weight shall be put, stored, or kept in any one place in the city of New York to the southward of the fresh water, in the sixth ward, nor to the southward of Rutgers slip in the seventh ward, other than in such proper place or places as shall be appointed and approved of by the mayor, aldermen and commonalty of the said city in common council convened, under the penalty of twenty five dollars for every offence or refusal to remove the same to be recovered with costs of suit in any court of record within this State, by the treasurer or chamberlain of the said city, to be applied as the other penalties of this act are directed to be applied.

Act repealed.

And be it further enacted, That the act entitled "An act for the more effectual prevention of fires and to regulate buildings in the city of New York and to repeal and explain certain acts therein mentioned" passed the 8th of April 1796 and the amendment thereto," passed the 3d April 1797 and the acts therein mentioned and thereby repealed shall except as to the double taxes thereby imposed and already incurred and except as to suits now depending be and hereby are repealed.—

Storage of
pitch, tar

And be it further enacted, That no pitch, tar, turpentine, rosin, spirits of turpentine linseed oil or shingles shall be put in any place in the

city of New York to the southward of fresh water other than in such places as shall be appointed and approved of by the mayor, aldermen and commonalty of the said city under the penalty of twenty five dollars for every offence or refusal to remove the same to be sued for and recovered with costs before any court having cognizance of debts to that amount by any person who will sue for the same, and when recovered to be paid to the chamberlain of the said city for the use of the poor thereof; *provided however* that it shall be lawful for any of the ship chandlers in the said city to keep in any inclosure within the limits aforesaid a quantity of pitch, tar, rosin or turpentine not exceeding in the whole twenty barrels at any one time.

and other inflammable materials.

And be it further enacted, That if any person shall fire or discharge any gun, pistol, rocket, cracker, squib or other firework in any street lane or alley, garden or other inclosure or from any house or in any other place where persons frequently walk to the southward of the fresh water, every such person, for every such offence, shall forfeit and pay two dollars and fifty cents to be sued for, recovered and applied as aforesaid; and in case any such offender be a slave the owner or possessor of such slave shall be answerable in the same manner as if the act had been done by such owner or possessor.

Discharge of fireworks.

And be it further enacted, That it shall be lawful for the mayor, aldermen and commonalty of the said city in common council convened, and they are hereby required, from time to time as often as it shall be necessary to appoint a sufficient number of strong, able, discreet, honest and sober men, willing to accept such appointment, being freeholders or freemen of the said city, to have the care management working and using the fire engines, and the other tools and instruments now provided, or hereafter to be provided for extinguishing of fires within the said city, which persons so to be appointed, shall be called the firemen of the city of New York, and who with the engineers of the same city, are hereby required to be ready at all times, as well by night as by day, to manage, work and use the same fire engines and other the tools and implements aforesaid.—

Appointment of firemen.

And be it further enacted, That the persons so to be appointed firemen and every of them during their continuance in that office, and no longer, shall be exempted from serving in the office of constable and from being impanelled or returned upon any juries, or inquests, and of and from militia duty within the said city, except in cases of invasion or other imminent danger; and the names of all firemen, to be appointed by virtue of this act, shall be registered with the clerk of the peace of the said city, and his certificate shall be sufficient evidence in all courts and cases of such exemption. *And further* that it shall be lawful for the mayor, aldermen and commonalty of the said city in common council convened to remove all or any of the firemen now appointed or to be appointed by virtue of this act when and as often as they shall think fit and to appoint others in their stead.—

Exemptions of firemen.

And be it further enacted, That it shall be lawful for the mayor, aldermen and commonalty of the said city in common council convened to make and ordain such rules and regulations in respect of the government and duty of the persons by them appointed firemen in the working managing and frequent exercising, trying and using of the same fire engines tools and other instruments, and to impose and establish such reasonable fines, penalties and forfeitures upon them, or any of them, for default or neglect of the duties and services thereby to be required from them as they shall from time to time think proper.—

Regulations to govern firemen.

Peace officers; duty in case of fire.

And be it further enacted, That upon the breaking out of any fire within the said city, the sheriff, deputy sheriffs, constables and marshals (upon notice thereof) shall immediately repair to the place where such fire shall happen with their rods, staves and other badges of authority and be aiding and assisting as well in the extinguishing of the said fires and causing the persons attending the same to work as in preventing any goods or household furniture from being stolen at such fires, and shall seize all persons whom they find stealing or pilfering, and the officers aforesaid shall also give their utmost assistance to the inhabitants in removing and securing their said goods and furniture; and in the execution of the duties required from them by this act shall be obedient to the orders of the mayor, recorder and aldermen of the said city, or such of them as shall be present at such fires.—

Fire buckets to be kept by inhabitants

And be it further enacted, That it shall be lawful for the mayor, aldermen and commonalty of the said city in common council convened, by ordinances by them for that purpose to be made, to direct the inhabitants, or owners of houses and other buildings in the said city to furnish themselves with such and so many fire buckets, to be ready in their respective houses and other buildings for the purposes of extinguishing fires which may happen in the said city, and to impose and establish such reasonable fines, penalties and forfeitures, for every neglect, default or disobedience thereof, as they shall think proper.—

Buckets lost at fires

And be it further enacted, That in case any person shall lose any bucket at any fire which may happen in the said city, and shall within sixty days thereafter make proof thereof before the mayor, recorder or one of the aldermen of the said city of the value of such bucket, and that the same was actually lost or destroyed in that service, in such case the mayor, aldermen and commonalty of the said city in common council convened, shall by warrant under the hand of the mayor or recorder presiding at such common council, directed to the chamberlain of the said city, order the value of such bucket to be paid to such person so making proof of the loss thereof, out of any monies remaining in his hands for the contingent expences arising in the said city, and if any person shall at any time thereafter be convicted of having taken a false oath touching the premises, such person shall incur the penalties of wilful and corrupt perjury.—

Buckets found.

And be it further enacted, That if any such bucket so proved to be lost shall afterwards be found, the property thereof shall thenceforward be in the mayor, aldermen and commonalty of the city of New York, unless the owner thereof will take back the same and return the money allowed and paid for the loss thereof.

CHAP. 81.

AN ACT more effectually, to discover and apprehend offenders in the city of New York.

PASSED the 27th of March, 1801.

Police office established.

Be it enacted, by the People of the State of New York, represented in Senate and Assembly, That for the more effectually discovering and apprehending offenders in the city of New York an office shall continue in the said city to be denominated the police office in the city of New York, and to be kept at such place as the mayor, aldermen and commonalty of the said city shall from time to time provide and assign.



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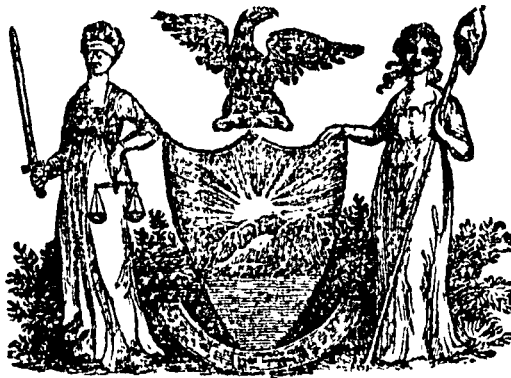
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L A W S
OF THE
STATE OF NEW-YORK,
PASSED AT THE
THIRTY-SIXTH SESSION
OF THE
LEGISLATURE,

Begun and held at the City of Albany,

THE SECOND DAY OF NOVEMBER, 1812.



A L B A N Y :
PRINTED FOR S. SOUTHWICK,
PRINTER TO THE STATE.

.....

1813.

for the said trustees to declare generally, that the defendant is indebted to them by virtue of this act, to the amount of twenty-five dollars or under, and give any special matter in evidence under such declaration.

Notice of meetings to be given XII. *And be it further enacted,* That it shall be the duty of the president of the board of trustees, to give notice to the inhabitants of said village of all public meetings at least one week previous thereto, in such manner as a majority of the trustees may deem proper; and that it shall be lawful for the trustees, or a majority of them, to call a public meeting of the inhabitants of said village whenever they may think it expedient.

Fines, &c. to be paid to the treasurer. XIII. *And be it further enacted,* That all fines, penalties or forfeitures, and all monies obtained in any manner whatever, by virtue of this act, shall be paid into the hands of the treasurer, for the public use of said village; and the treasurer shall, and he is hereby authorized, in case any person having so received any money by virtue of this act, to and for the proper use and benefit of said village, and shall refuse or neglect to pay the same to him, to prosecute every such offender in the name of the trustees of said village, for monies had and received to and for the use of said village.

This act may be repealed or amended. XIV. *And be it further enacted,* That it shall be lawful for the legislature at any time to repeal or amend this act.

CHAP. LVIII.

An ACT to amend an act entitled "An act to vest certain powers in the Freeholders and Inhabitants of the Village of Herkimer."

Passed March 12, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the freeholders and inhabitants of said village, at their annual meetings, and at such other times in the year as the trustees mentioned in said act, or a majority of them, may think necessary, to advertise for the purpose at least one week before such meeting shall be, and hereby are authorized and empowered in addition to the powers to them granted by the act hereby a-

mended, to make, ordain, constitute and establish such prudential rules, orders and regulations as a majority of such freeholders and inhabitants so assembled and having a right to vote, shall judge necessary and convenient, relative to the preventing and removing of nuisances in any and all parts of said village, to the prevention of fires, of the exploding of gun powder and the discharging of fire arms within the same (excepting by militia or regular troops when embodied or under the command of their proper officers) relative to the running of horses in the streets or public highways, and to the going or running at large of horses and cattle in said village, and to impose such penalties on the offenders against such rules, orders and regulations, or any or either of them, as the majority of such freeholders and inhabitants having a right to vote, so assembled shall from time to time deem proper, not exceeding five dollars for any one offence, to be sued for and recovered in the same manner as in and by the act hereby amended the penalties for offences under the said act are to be sued for and recovered.

II. *And be it further enacted*, That it shall and may be lawful for the trustees of said village to increase the number of firemen provided for by the act hereby amended, to any number not exceeding twenty in the whole.

CHAP. LIX.

An ACT for the relief of the heirs of the late George Clinton, Esquire, deceased.

Passed March 12, 1813.

WHEREAS George W. Clinton, Matthias B. Talmadge and Elizabeth his wife, Stephen D. Beekman and Maria his wife, and George Clinton Genet, Henry James Genet, Maria Louisa Genet, Charles Alexander Genet, and Cornelia Tappen Genet, infants, by Edmund C. Genet their father and guardian, have by their petition represented, that the said George W. Clinton, Elizabeth Talmadge, Maria Beekman, George Clinton Genet, Henry James Genet, Maria Louisa, Preamble



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L A W S
OF THE
State of New-York,
PASSED AT THE
FORTY-FIFTH SESSION
OF THE
LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY,
The First day of January, 1822.



ALBANY:
PRINTED BY CANTINE AND LEAKE,
PRINTERS TO THE STATE.
.....
1822.

II. *And be it further enacted*, That as soon as may be, after the first town meeting, the supervisors and overseers of the poor of said towns respectively, on notice being given for that purpose, shall meet together and apportion the money and poor, belonging to the said towns of Unadilla and Franklin, previous to the division thereof, agreeable to the last tax lists; and that each of the said towns shall forever thereafter respectively maintain and support their own poor.

III. *And be it further enacted*, That the aforesaid town of Huntsville, shall belong to and be a part of the county of Otsego.

CHAP. CCXI.

AN ACT to amend the act, entitled "An act to vest certain Powers in the Freeholders and Inhabitants of the Village of Catskill, in the County of Greene," passed March 14th, 1806.

Passed April 12, 1822.

I. *BE it enacted by the People of the State of New-York*, represented in Senate and Assembly, That all that district of country lying in the town of Catskill, county of Greene, and state of New-York, beginning at Hudson's river, at the north side of a creek called "Stuck," and running north seventy-five degrees forty-two minutes west, to the northwest corner of Lindsay's patent; thence due west to the Susquehannah turnpike road; thence in a direct line to the Catskill, at the northwest corner of the lands late of Hubartus Dubois, deceased; thence along the westerly bounds of said lands, to the farm of Frederick Smith; thence easterly along the north bounds of his farm, to the northeast corner thereof; thence in a direct line to a stake and stones three chains south of Ramshorn creek; thence east to the channel of the Hudson; thence up and along said channel, to opposite the place of beginning; and thence west to the place of beginning; shall continue to be called and known by the name of the village of Catskill, and all the inhabitants residing within the limits aforesaid, be, and hereby are ordained, constituted, and declared to be, from time to time, and forever hereafter, a body corporate and politic, in fact and in name, by the name of the "Trustees of the village of Catskill," and by that name, they and their successors, for ever hereafter, shall and may have perpetual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and that they and their successors may have a common seal, and may change or alter the same at pleasure; and also, that they and their successors, by their corporate name, shall be capable of purchasing, holding, and conveying any estate, real or personal, for the public use of the said corporation, and shall, by virtue of this act, be vested with and possess all the estate, real or personal, rights, privileges, and immunities whatsoever, which, at the time of passing this act,

are vested in, and belong to, the present trustees of the said village.

Trustees,
collector,
assessors,
and treasurer.

II. *And be it further enacted,* That there shall be forever hereafter, in and for the said village, five trustees, one collector, three assessors, and one treasurer, to be elected by ballot, annually, on the first Monday in May, by the inhabitants of the said village, qualified at the time to vote for members of assembly, and shall hold their respective offices for one year, and until others be elected and qualified in their stead; that three or more of the trustees shall preside at the election of said officers, and the place where, within the said village, shall be designated by the president, and notified at least ten days previous to said election, by putting up notice thereof, at three or more public places in said village, and publishing the same in a newspaper printed in said village; and that the said trustees shall determine the qualifications of persons offering to vote, and shall make proclamation at least one hour previous to closing the poll, that the same will be closed.

Vacancies.

III. *And be it further enacted,* That if a vacancy shall happen in any of the said offices, by death, resignation, or otherwise, before an annual election, it shall be lawful for the president to direct an election to be held, to supply such vacancy, which election shall be conducted in like manner as the annual elections, and the time and place designated and notified by the president, in the manner mentioned in the preceding section, and the officers so chosen, shall hold their offices as if elected at the annual election.

Penalty for
refusing to
accept office.

IV. *And be it further enacted,* That if any inhabitant of the said village, qualified at the time to vote for said officers, shall be elected to any office in the said village, except the treasurer and collector, and having notice thereof, shall, for five days after such notice, neglect or refuse to take upon himself such office, he shall, for such neglect or refusal, forfeit the sum of twenty-five dollars, to be recovered in the name of the treasurer of said village, for the use thereof, in an action of debt, in any court having cognizance thereof, with costs of suit.

Board of
trustees.

V. *And be it further enacted,* That the said trustees, or a majority of them, when assembled on village business, shall constitute a board of trustees, and meetings of the said board shall be summoned and held at such time and place in said village, as the president or presiding officer at the time shall direct; and the president shall preside at the meetings of the said board, and in his absence, one of the trustees shall be appointed by the members present, to preside for the time being; and the said board shall meet at some place in said village, within fifteen days after their election, in each year for ever, and by plurality of votes, elect from their number one person to be president, and shall also appoint one clerk to record the proceedings of the said trustees, and who shall have the keeping of all the records, writings, deeds, and muniments, relating to or concerning the said village; and shall record the laying out of all the streets, lands, and alleys, in said village; and that the said trustees may, in their discretion, appoint one or more constables for the said village, who shall possess and exercise the same powers, and give the like sureties, as any constable of any town in this state, and shall be removeable by th

President
and clerk.

Constables.

said board at their discretion, and the said board may, in their discretion, annually appoint so many porters, cartmen, scavengers, weighers, and measurers, for the said village, as they deem proper, and after a reasonable notice to shew cause at their discretion remove all or any of them.

Porters, cartmen, scavengers, &c.

VI. *And be it further enacted*, That the said trustees shall, each and every year, at the place where the annual election is held, exhibit a statement of the money in the treasury at the time they commenced their duties, the amount received while in office, and the amount expended, and how expended, which statement shall be left with the said clerk, at least three days prior to such election, and open for inspection.

To exhibit statements, &c.

VII. *And be it further enacted*, That the said board of trustees shall have power to establish such ordinances, by-laws, and regulations, as they shall think proper and reasonable, to prevent vice and immorality; to preserve peace and good order; to prevent forestalling; to detect and restrain every fraudulent device and practice in the said village; to regulate petty grocers, keepers of ordinaries, or victualing house or houses, where fruit, clams, oysters, liquor, or meat, shall be sold, in order to be eaten or drank in such house, within the said village; to prevent the sale of any strong or spirituous liquor, to any child, apprentice, or servant, within the said village, without a permit from his or her parents, master, or mistress; to prevent all riots, quarrelling, or noisy conduct, in or about the premises of any inhabitant within said village; to enforce the due observance of the Sabbath; to suppress and restrain disorderly and gaming houses, billiard tables, and other instruments and devices used for the purpose of gaming; to regulate the keeping and conveying of gun powder, or other combustibles and dangerous materials, and the use of candles and lights in livery and other stables; to prevent the construction or use of any hearth, chimney, stove, boiler, kettle, or other apparatus, in any house, building, or manufactory, and to remove the same, when considered dangerous in causing or promoting fires; to regulate the place and manner of weighing hay; to regulate and prevent the running at large of dogs, owned by persons residing in the said village, or impose a reasonable tax on the said owners; to regulate and prevent the carrying on any manufactory, dangerous in causing or promoting fires; to regulate and prevent the firing of guns, muskets, pistols, rockets, crackers, squibs, and fireballs, in said village; to direct the safe construction of deposits for ashes, and to appoint one or more officers, at reasonable times, to enter into and examine all dwelling houses, lots, yards, enclosures, and buildings, of every description, in order to discover whether any such places of deposits are in a dangerous state, and to cause such as may be dangerous, to be put in a safe and secure condition; to regulate slaughter houses and manufactories in said village; to appoint fire wardens and fire engineers, and to prescribe their powers and duties, and to prescribe all such measures and regulations for the prevention and extinguishing of fires, as the said board shall think proper; to appoint watchmen and establish their powers and duties; to authorise any magistrate or constable to stop any person riding or driving immoderately, through or in any street or place in the said village, or otherwise prohibit such

By-laws, and the objects to which they are to extend

offences; to abate or remove any nuisance, in any street, or on the lot or enclosure of any person or persons; to regulate the markets in said village; to licence and regulate butchers and cartmen; to determine the qualification, and appoint firemen to take charge of the fire engine or engines, and apparatus thereto belonging, under such regulations as the said board shall adopt; to remove any firemen, and appoint others in their stead, which firemen shall be exempt from serving on juries, except on justices' juries in the said village, and from doing military duty, except in case of invasion, insurrection, or imminent danger: *Provided*, That the number of firemen shall not exceed twenty-four to each engine in said village; to compel any person to aid in extinguishing fires, and in preventing purloining of goods at any fire, and for securing such goods, subject to the orders of the president or any of the trustees, at such fires; to require the inhabitants to provide and keep fire buckets, and scuttles to their houses, and stairs or ladders leading to the same; to direct the paving and flagging of any street in said village; to regulate the assize of bread, and to provide for the seizure and forfeiture of bread, baked contrary thereto; to prevent the incumbering of the streets, side walks, lanes, and alleys, in any wise however; to restrain the running at large of horses, cattle, or swine; to compel the cleaning of chimneys; to restrain vagrants, beggars, or persons soliciting alms; to light the streets of said village, and regulate the pumps and aqueducts therein; to prevent and remove all encroachments on any street or alley in said village; to apply the monies raised in said village as road taxes, in making, repairing, and improving the streets thereof, and to appoint workmen and agents for the purpose; to regulate the vending of wheat and vegetables; and, generally, to make all such rules, regulations, by-laws, and ordinances, for the good government and order of said village, as the said board of trustees may deem expedient and proper, not repugnant to the laws and constitution of this state, or of the United States; and to enforce the due observance thereof, by inflicting penalties on any citizen or inhabitant thereof, or other person or persons, for the violation or breach of any by-law or ordinance of the said board, not exceeding twenty-five dollars for any one offence, recoverable, with costs, in an action of debt, by and in the name of the treasurer of the said village, in any court having cognizance thereof; in which action, the first process may be by warrant, nor shall any exemption be allowed thereupon, except necessary bedding, wearing apparel, and cooking utensils; and in which action, it shall be lawful to declare, generally, in debt for such penalty, and give the special matter in evidence; and further, that for the purpose of enforcing the by-laws of the said board of trustees, against offenders who have no goods or chattels, lands or tenements, whereof such penalties can be made or collected, it shall be lawful for the court, before which any such offender shall be duly convicted, to cause such person to be imprisoned for a term not exceeding thirty days, in the jail of the county of Greene, and that all fees and expenses of prosecuting and punishing offender under the said by-laws, shall be defrayed by the said trustees; and that upon trial, examination, or judicial investigation of any issue matter of fact, or other thing whatsoever, arising under this ac-

or any by-laws of the said trustees, no person shall be deemed incompetent as judge, justice, juror, or witness, by reason that he is an inhabitant of said village; and if any person shall be sued for any matter or thing done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and the special matter in evidence at the trial.

VIII. *And be it further enacted*, That the said trustees shall and may cause such sum or sums of money to be raised, as a majority of the inhabitants of the said village shall (at any meeting of such inhabitants, which meeting shall be notified by putting up written notices at three or more public places in the said village, and printed in some newspaper which may be published in said village, at least ten days previous to such meeting, which notice shall specify with sufficient clearness the objects for which such meeting is called) vote and consent to have raised by tax, to defray the expense of any improvement in said village, supporting a night watch, lighting the streets, or to defray the contingent expenses of said village; and the assessors of said village shall assess the taxes so voted, upon the inhabitants of said village, and upon the owners of real estate lying within the said village, both resident and non-resident, respect being had to the probable advantage which will result to the inhabitants and owners of real estate as aforesaid respectively, from the improvements contemplated to be made, which money so assessed as aforesaid, shall be collected in the same manner as the taxes of the county of Greene are collected, by the collector of said village, by virtue of a warrant, signed by the president of the trustees, under the common seal of said village, and paid into the hands of the treasurer of the said village, which, together with all the monies in the hands of the treasurer, whether received for fines, forfeitures, penalties, or in any other way or manner, shall be subject to the order and disposal of the board of trustees, not to be diverted however from the specified object for which any part of such monies may be raised: *Provided*, no assessment shall be made on any vacant lot owned by a non-resident, for the expense of lamps, or lighting the same, or for supporting a night watch in the said village.

IX. *And be it further enacted*, That the board of trustees of the said village of Catskill shall be vested with, and they are hereby authorised to have, use, and discharge all the powers, rights, and duties within the limits of said village, which belong to, or may be exercised and discharged by the commissioners of highways in any town of the county of Greene, and shall have the appointment of all overseers of highways in said village, which is hereby constituted a road district, and shall regulate and direct their powers and duties at discretion.

X. *And be it further enacted*, That it shall and may be lawful for the said board of trustees to lay out, make, and open any street, alley, road or highway, of such width as they may deem proper, in any part of said village, and cause any street, alley, road or highway already laid out in any part of said village, to be opened or altered, whenever they shall deem the public good to require the same to be done; and also to order and direct the pitching, levelling, raising, repairing, amending and cleaning any of the streets, roads or alleys in said village: *Provided*, such street,

alley or road shall not be laid out or altered so as to run across or over the site of any house or building erected before the same street, alley or road shall be by them so laid out or altered; and the owners or occupants of any lands over which such street, alley or road shall be so laid out or altered, shall be paid such reasonable damages as he, she or they may sustain by reason thereof, which damages shall be ascertained by a jury, in the manner following, to wit: the president and any two or more trustees, shall, by a precept under their hand and seal, command any constable of said village, or of the town of Catskill, to impanel and return a jury of twelve freeholders of said village, who are not interested in the property to be assessed, to appear before the president of said village within twenty days from the day of the date of said precept, to enquire and assess the damages and recompense due to the owner or owners of said lands; at the same time to summon the owner, owners or occupants of said lands, or his or their agent or legal representatives, by written notice, to be left at his, her or their most usual place of abode, to appear before said president and jury on the day and at the place in such precept to be specified; or if said lands are unoccupied, and the owner, or others interested, be unknown to the said trustees, in that case a notice shall be inserted for six weeks in the state paper, which notice shall be taken and deemed to be sufficient, which jury being duly sworn, faithfully and impartially to enquire into and assess the damages in question, and having viewed the premises, shall enquire of, and assess such damages and recompense as they shall, under all the circumstances, judge fit to be awarded to the owner, owners or occupants of such lands, for their respective losses, according to their several interests and estates therein; and the verdict of such jury, and the judgment of the said president thereon, and the payment of the sum of money so awarded and adjudged to the owner, owners or occupants thereof, or tender and refusal thereof, shall be conclusive and binding against the said owner, owners or occupants, his, her or their respective heirs, executors, administrators and assigns, claiming any estate or interest of, in or to the said lands. But the said trustees shall not be allowed to take possession of, or appropriate any such lands, until after the payment or tender of the monies so awarded as aforesaid; and in order to provide for the payment thereof, the said board of trustees shall cause the same to be assessed and collected in the manner directed in and by the eighth section of this act; and on the payment of the money so awarded as aforesaid, it shall thereupon be lawful for the said board of trustees to cause the said lands to be converted to, and used for the purpose aforesaid: *Provided however,* That any person conceiving himself or herself aggrieved by any assessment made by virtue of this section of the act, shall have a right to apply to the supreme court of judicature of this state, at the next term thereafter, or one of the justices thereof, or the first judge of the court of common pleas of the county of Greene, for the appointment of three commissioners, who shall be residents and freeholders in the village of Catskill, and who shall be authorised to review such assessment, and view the lands, and hear and examine the allegations of the parties, and whose decision shall be final; and of which application, fourteen days previous notice,

containing the names of the commissioners intended to be applied for, shall be given to the trustees; and that until the determination of the commissioners, all proceedings on the part of the trustees with respect to such assessment, shall be stayed.

XI. *And be it further enacted*, That it shall and may be lawful for the said board of trustees, when thereunto authorised by a vote of the inhabitants of said village, at a meeting to be held as is prescribed in and by the eighth section of this act, to cause common sewers, drains and vaults, or reservoirs, to be made in any street in said village, and to direct the paving of any street, road or alley in said village, and to cause an assessment to be made in the manner prescribed in and by the aforesaid eighth section of this act; and the owners and occupants of houses and lots, and others interested, shall respectively on demand pay to the collector of said village the sum at which such house or lot shall be assessed, to be applied towards the making such common sewers, drains and vaults, or reservoirs, or paving the streets, roads or alleys as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the said board of trustees, by warrant under the seal of the said corporation, to levy the same by distress and sale of the goods and chattels of such owner, occupant or other person interested therein, refusing or neglecting to pay the same: *Provided*, That nothing in this act contained shall affect any agreement between any landlord and tenant respecting the payment of any such charges, but they shall be answerable to each other in the same manner as if this act had never been passed: *And further*, if any money to be assessed shall be paid by any person, when by agreement or by law the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same, to sue for and recover the same, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the assessment aforesaid, with proof of payment, shall be conclusive evidence in such suit.

XII. *And be it further enacted*, That in case any assessment made by virtue of this act shall not have been complied with, and the sums thereby assessed shall not have been paid, and no goods or chattels whereon to levy can be found, then it shall be lawful for the board of trustees to cause the land assessed to be advertised in a public newspaper printed in the said village, and also in the state paper, for a term not less than six months, thereby requiring the owners of such lots respectively to pay the sum at which the said lots shall be assessed, to the treasurer of the said village; and that if default shall be made in such payment, such lot will be sold at public auction, at a day and place therein to be specified, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum assessed on the same, for the expense aforesaid, with the interest thereof; and if, notwithstanding such notice and demand, the owner or owners shall refuse or neglect to pay such assessment, with the charges of advertisement and the interest as aforesaid, then it shall be lawful for the said board of trustees to cause the said lot to be sold at public auction for a term of years, for the purpose and in the manner expressed in the said advertisement.

and to give a declaration of such sale to the purchaser thereof, under the common seal of said village; and such purchaser, his executors, administrators and assigns, shall by virtue thereof, and of this act, lawfully hold and enjoy the same for his and their own proper use, against the owner or owners thereof, and all claiming under them, until his term shall be complete and ended, being at liberty to remove all the buildings and materials which the said purchaser or his assigns shall erect or place thereon, but leaving the ground with sufficient fence, and with the street or streets fronting the same, in the order required by the said regulations.

Further assessments,

XIII. *And be it further enacted*, That if upon the completion of any such regulation or improvement as aforesaid, it shall appear to the board of trustees that a greater sum has been bona fide expended in making the said regulation or improvement than the sum assessed and collected as aforesaid, it shall then be lawful for the said board of trustees to cause a further assessment equal to such excess, to be made and collected, if authorised by a meeting of the inhabitants, as is prescribed in and by the eighth section of this act; and if the sum actually expended shall be less than the sum assessed and collected as aforesaid, the surplus shall be forthwith returned to the persons from whom the same was collected, or to their legal representatives: *And further*, That such assessment shall be and remain a lien on the lot or lots so assessed, from the time of the completion and return of such assessment in manner aforesaid, until paid or otherwise satisfied.

Working on highways,

XIV. *And be it further enacted*, That the assessment to work on the highways shall be made by the said trustees as commissioners of highways, in conformity with the provisions and directions of the act entitled "An act to regulate highways," and that such assessment or tax shall be paid in money at the rate of sixty-two and an half cents for each day's work assessed, which assessment the said commissioners of highways in said village may make out, and the same shall be collected of the several persons assessed by the collector of said village, by virtue of a warrant to be issued by the board of trustees, under the seal of the corporation, in the same manner as taxes are by this act directed to be collected and paid to the treasurer of said village, to be laid out and expended by the said board in making, repairing and improving the highways, roads, sewers and bridges of said village, in such manner as the said trustees shall deem most beneficial to the public, and that the lands of non-residents in said village shall be assessed in such assessment on highways, and the like proceedings shall be had for collecting such assessment, if the same shall remain unpaid, as is provided in and by the twelfth section of this act.

Treasurer & collector to give bonds, &c.

XV. *And be it further enacted*, That the said treasurer and collector shall each give a bond to the said trustees, with two sufficient sureties, in such sum as they shall direct, with condition faithfully to execute and perform the duties of their respective offices; and if such conditions are broken, the said trustees shall immediately prosecute the delinquent and his sureties, and that the trustees and assessors shall within five days after every election and notice, and before they enter upon the exercise of their respective offices, severally take and subscribe an oath or affirmation before any person authorised to administer oaths within the said

Oath.

village, which shall be filed with the clerk, faithfully to execute the trust or office to which they may have been severally elected, and that the court of common pleas for the county of Greene, or the first judge thereof, shall have power to appoint guardians for infants in all cases arising under this act, when guardians may be required, and to bind such guardians by bond with sureties, to perform all such duties as shall belong to him or them to perform, and that it shall be the duty of the said treasurer to deliver to his successor in office, within five days after his election, all the monies, books and papers pertaining to his office.

XVI. *And be it further enacted*, That the said board of trustees shall be, and hereby are constituted the trustees of the fire company or fire companies, now or hereafter to be raised in the said village, with full powers to make such by-laws for the regulation and conduct of the same, and for providing, repairing and keeping the fire engine or engines, and apparatus thereunto attached or belonging, as they shall deem proper and most advantageous to said village. Fire companies.

XVII. *And be it further enacted*, That the said trustees, clerk, treasurer and collector of said village, shall receive for their services respectively such reasonable compensation as the majority of the inhabitants of the said village shall at any meeting duly notified and held, agree to raise for that purpose; and that no person shall vote at any meeting of the said inhabitants, other than such as are qualified at the time to vote for members of assembly. Compensation of officers.

And whereas the village or district above described, lies on both sides of the Catskill: Therefore, *Be it further enacted by the authority aforesaid*, That all monies raised, assessed and collected for local improvements, shall be laid and assessed on the freeholders, inhabitants and lands, residing and being on that side of the creek where such improvement is to be made: *And further*, That the provisions of the fourteenth section of this act, so far as relates to the assessment of road taxes, shall not apply to the west side of the Catskill, but the said taxes shall continue to be assessed, collected and expended as heretofore. Repeal. Taxes how assessed.

XVIII. *And be it further enacted*, That this act shall be a public act, and shall be construed in all courts and places favorably for every beneficial purpose therein contained. Public act.

XIX. *And be it further enacted*, That the act entitled "An act to vest certain powers in the freeholders and inhabitants of the village of Catskill, in the county of Greene," passed March 14th, 1806; and the act entitled "An act to amend an act entitled "an act to vest certain powers in the freeholders and inhabitants of the village of Catskill," passed February 17th, 1810; and also so much of the act entitled "An act for the better extinguishing fires in the village of Catskill, in the county of Albany," passed April 1st, 1797, as is inconsistent with this act, be and the same are hereby repealed: *Provided however*, That the present officers of said village shall hold their respective offices until others are elected under this act. Certain acts in part repealed. Provision.

XX. *And be it further enacted*, That the legislature may at any time hereafter amend or repeal this act. Legislative rights reserved.



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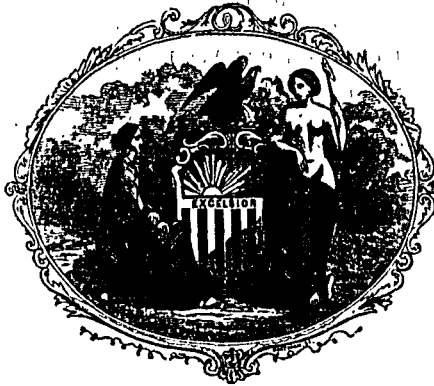
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L A W S
OF THE
STATE OF NEW-YORK,
PASSED AT THE
SEVENTY-SEVENTH SESSION
OF THE
LEGISLATURE,

BEGUN THE THIRD DAY OF JANUARY, AND ENDED THE SEVENTEENTH DAY OF
APRIL, 1854, AT THE CITY OF ALBANY.



ALBANY:
WEED, PARSONS & CO., PRINTERS.
1854.

plank on such part of said road as shall not be abandoned, to construct a track of shells, gravel, stone or other substantial material, on the whole or any part thereof, and to collect the same tolls per mile as are now allowed to be collected on turnpike roads, and to be subject to all the liabilities and provisions of the acts under which they were incorporated.

§ 2. The directors of said company are hereby authorized, on obtaining the consent of the stockholders owning a majority of the stock in said road, to abandon the whole or any part of their road, and upon putting the same in repair as a common highway and filing of a certificate, signed by the president and secretary of said company, describing the portion so abandoned, in the office of the clerk of the county of Richmond.

§ 3. This act shall take effect immediately.

Chap. 28.

AN ACT to revise the charter of the city of Syracuse.

PASSED February 25, 1854, three-fifths being present.

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

TITLE I.

BOUNDARIES AND CIVIL DIVISIONS.

§ 1. All that part of the county of Onondaga included in the following boundaries, shall be one of the cities of this state, and known as "the city of Syracuse," viz: Beginning on the southeasterly corner of Manlius L., running thence west and northwesterly along the southerly line of Manlius L. to the northeast corner of marsh lot number one; thence southwesterly along the easterly line of marsh lots numbers one, three, five, seven, nine, eleven and seventeen, to the centre of the Oswego canal; thence northwesterly along the centre of said canal to the most northwesterly line of marsh lot number twenty-two; thence southwesterly along said line to the low-water mark of Onondaga lake; thence southerly along the easterly shore

Boundaries.

of said lake to the centre of Onondaga creek, at its mouth; thence southerly along the centre of said creek to a point at right angles to the north line of Court-street, at a point where said line touches the southerly shore of said creek, at the most easterly corner of farm lot number three hundred and ten; thence southeast to the centre of said Court-street; thence southwesterly along the centre of said street to Geddes-street; thence southerly along said street to the north line of the town of Onondaga; thence east and south along the said line of Onondaga to the southeast corner of the town of Salina, as the same existed before the incorporation of the city of Syracuse; thence north along the east line of said town to the place of beginning, shall hereafter constitute the boundaries of the city of Syracuse.

Wards. § 2. The said city shall be divided into eight wards, bounded respectively as follows:

FIRST WARD.

First. All that part of said city bounded northeast, northwest, and west by the bounds of said city, and southeast by a line through the centre of Court-street and the Alvord-road so called, shall constitute the first ward.

SECOND WARD.

Second. All that part of said city bounded westerly by the centre of the Oswego canal, northerly by the centre of Court-street and the Alvord-road, southerly by the centre of Butternut-street, and easterly by the bounds of the city, shall constitute the second ward.

THIRD WARD.

Third. All that part of said city bounded on the south by the centre of the Erie canal, on the west by the west line of the city, on the north by the line of the city and the centre of Court-street, and on the east by the centre of the Oswego canal from Court-street to the centre of the Erie canal, shall constitute the third ward.

FOURTH WARD.

Fourth. All the residue of that part of said city lying on the north side of the centre of the Erie canal, not included in the first, second or third wards, shall constitute the fourth ward of said city.

FIFTH WARD.

All that part of said city lying south of the centre of the Erie canal and west of the centre of the Onondaga creek, shall constitute the fifth ward. Fifth.

SIXTH WARD.

All that part of said city bounded north by the centre of the Erie canal, on the west by the centre of the Onondaga creek, on the east by a line drawn from the centre of the Erie canal, southerly, through the centre of Montgomery-street to the centre of Burt-street, thence westerly through the centre of Burt-street to Salina-street, thence southerly through the centre of Salina-street to the south bounds of said city, and on the south by the south line of said city, shall constitute the sixth ward. Sixth.

SEVENTH WARD.

All that part of said city bounded on the north by the centre of the Erie canal, on the west by the east line of the sixth ward, on the south by the south line of said city, on the east by a line drawn southerly from the centre of the Erie canal through the centre of Almond-street to the centre of Burt-street, thence east through the centre of Burt-street to the centre of Renwick-avenue, thence south through the centre of Renwick-avenue to the south line of said city, shall constitute the seventh ward. Seventh.

EIGHTH WARD.

All the residue of said city, lying south of the centre of the Erie canal and east of the seventh ward, shall constitute the eighth ward of said city. Eighth.

TITLE II.

RIGHTS AND POWERS OF THE CORPORATION.

§ 1. The citizens of this state, from time to time, inhabitants within the aforesaid limits, shall be a corporation under the name and style of "the city of Syracuse," and in that name may sue and be sued, complain and defend in any court, make and use a common seal, and alter it at pleasure, and may receive by gift, grant, devise, bequest or purchase, and hold and convey such real or personal estate as the purposes of the corporation may require. Powers.

Property. § 2. All the real estate and personal property now owned or possessed by, or held in the name of, or in trust for, the mayor and common council of the city of Syracuse, are hereby vested in "the city of Syracuse," with power to hold or convey the same as the purposes of said corporation may require.

TITLE III.

OFFICERS OF THE CITY—THEIR ELECTION.

City officers. § 1. The officers of the city, elected by general ticket, shall be the mayor, the city attorney, the city treasurer, three justices of the peace, one of whom and only one shall reside and keep his office in the first ward, and two overseers of the poor, one of whom and only one shall reside and keep his office in the first ward.

Inspectors of election. § 2. The electors of each election district shall elect, in the manner prescribed by law, three inspectors of election; and the electors of each ward shall elect two aldermen, one supervisor, one collector, one assessor, one constable, one policeman, two commissioners of common schools, and one commissioner of excise.

Eligibility. § 3. No person shall be eligible to any office mentioned in the first section of this title, unless he shall be at the time a resident elector of the city; nor shall any person be eligible to any office mentioned in the second section of this title, unless he shall at the time be a resident elector of the ward or district in which he shall be elected.

TITLE IV.

OF THE CITY ELECTION.

Annual election. § 1. The annual city election shall be held on the first Tuesday of March of each year, in each election district in each of the wards of said city, at such places as the common council shall appoint; and of which six days' previous notice shall be given by the clerk, by posting printed or written notices of the same in three public places in each election district in each ward, signed by the mayor and clerk, and published in at least two of the public newspapers printed in said city one week last preceding such election.

Polls open. § 2. The polls of such election shall be opened at eight o'clock in the forenoon, and continue open until five o'clock in the afternoon of the same day, and no longer.

§ 3. The electors shall vote by ballot; and each person offering to vote shall deliver his ballot, so folded as to conceal its contents, to one of the inspectors, in the presence of the board. The ballot shall be a paper ticket, which shall contain, written or printed or partly written or partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons as designated to any office, than there are persons to be chosen at the election to fill such office.

Ballots.

§ 4. On the outer side of each ballot containing the names of the officers, or any of them, mentioned in the first section of title three, when such ballot shall be folded, there shall be endorsed the word "city;" and on the outer side of each ballot containing the names of the officers, or any of them, mentioned in the second section of title three, when the same shall be folded, there shall be endorsed the word "ward." Such ballots shall be deposited in separate boxes, to be provided by said city with proper locks and keys; but no ballot, found in the proper box, shall be rejected for the want of such endorsement.

Endorsement of ballots.

§ 5. Every person who shall have been a citizen for ten days, an inhabitant of this state for one year, and a resident of the county of Onondaga four months, and of the city of Syracuse thirty days last preceding any election for city officers, shall be entitled to vote for any or all of the officers to be elected by general ballot; and any such person who shall for the last thirty days have been a resident of the ward or election district in which he shall offer to vote, shall be entitled to vote in said ward or election district for all or any of the officers to be chosen at such ward or election district election, and not elsewhere.

Qualification of voters.

§ 6. The provisions of law in respect to elections for state and county officers shall apply to elections of officers under this act, as far as the same are applicable.

Conduct of elections.

§ 7. After the poll of any such election shall have closed, the inspectors, holding the same in each ward or election district, shall on the same day canvass the votes given at such election. After thus canvassing the votes, they shall make a statement in writing, which shall be signed by them or a majority of them, thereby determining and certifying the number of votes cast at such election for each person voted for thereat for city officers, and the persons who are by the greatest number of votes elected aldermen, supervi-

Canvass.

sors, inspectors, constables, policemen, school commissioners, collectors and commissioners of excise of their respective wards, which statement shall immediately thereafter be delivered by said inspectors to the city clerk.

Certificates
of election.

§ 8. The clerk shall deliver such statement and certificates to the common council at their next meeting, which shall be on the first Thursday next after the annual election in each year, who shall, upon such statements and certificates, proceed and declare what persons have been duly elected to the respective offices voted for at such election. The persons having the greatest number of votes in the whole city for the respective offices to be filled by general ticket, and those having the greatest number of votes for those offices to be filled by the electors of the respective wards or election districts, shall be declared duly elected.

Vacancies
by tie votes,
how filled.

§ 9. If at any election authorized by this act the mayor, aldermen, supervisor or justices of the peace shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office, a special election shall be ordered by the said common council within five days from such election, and shall cause a notice, signed by the mayor and clerk, specifying the time and place, and the officers to be chosen, to be posted as hereinbefore directed, at least five days previous to the holding of such election. The provisions of law, in respect to the annual election under this act, shall apply to such special election so far as the same are applicable.

Vacancies,
how filled.

§ 10. Vacancies in the office of the justice of the peace, mayor or aldermen, accruing in any manner, shall be filled at a special election called and appointed by the common council, and conducted in the same manner as an annual election. Vacancies in all other offices shall be filled by the common council. All appointments to fill a vacancy or otherwise by the common council, under this act, shall be by warrant, under the corporate seal, signed by the mayor, or presiding officer and clerk.

Commis-
sioners of
excise.

§ 11. The commissioners of excise shall be elected by separate ballot, to be endorsed, when properly folded, "excise;" and all ballots for commissioners of excise shall be deposited in a separate box, to be provided by the common council for that purpose.

Terms of
office.

§ 12. Such of the present aldermen and school commissioners of said city, whose terms of office do not expire until one year after the next charter election, shall remain alder-

men and school commissioners, in and for the wards in which they shall be residing ten days prior to the said next charter election, until the expiration of their respective terms of office, or until their offices shall for any other cause become vacant, unless such residence is without the territory which was embraced at the time of their election in the wards for which they were elected respectively; and in each ward where any such alderman shall so reside, there shall be elected but one alderman; and in each ward where any such school commissioner shall so reside, there shall be elected but one school commissioner; and in each of the other wards there shall be elected one school commissioner to hold his office one year, and one school commissioner to hold his office two years; and one alderman to hold his office for one year, and one alderman to hold his office two years. The time that such persons voted for, for the offices of alderman and school commissioner, shall hold their offices, shall be designated on the ballot cast for such persons.

TITLE V.

OF THE COMMON COUNCIL.

§ 1. The legislative power of said corporation shall be vested in the common council. The aldermen of said city when assembled, or a quorum thereof, shall constitute the common council. Common council.

§ 2. The common council shall meet annually on the first Monday after the annual election, at seven o'clock P. M., at the city hall or council room for the time being, and at such other times as they by resolution shall designate; at the first meeting they shall choose a president from their own body, who shall preside at all meetings of the common council; in his absence a president for the time being shall be chosen. Meetings.

§ 3. At the first annual meeting, the common council may also appoint by ballot one clerk, one engineer of the fire department and two assistants, one city physician, two measurers of wood, one city surveyor and engineer, one superintendent of streets, one chief of police, comptroller, and such other officers as the common council are by this act authorized to appoint. Appointments.

§ 4. In the proceedings of the common council, each member present shall have a vote. Each member to have a vote.

Quorum.

§ 5. A majority of the aldermen elected shall constitute a quorum; but a less number may adjourn from day to day, and compel the attendance of absent members.

Ordinances,
how passed.

§ 6. Every ordinance and resolution of the common council (except resolutions prescribing rules for their own government, and appointing officers) shall, before it takes effect, be presented duly certified to the mayor; if he approve it he shall sign it, in which case it shall take effect immediately thereafter, unless otherwise ordered; if he do not approve of it he shall return it with his objections, and file it with the city clerk within ten days after he received it; the said board shall, at their first regular meeting thereafter, enter the objections at large in their journal, after which they shall proceed to reconsider the same, and if two-thirds of all the members elected then agree to pass the same, it shall take effect as a law, and in every such case the votes shall be taken by ayes and noes and entered on the journal; and if such ordinance or resolution shall not be returned by the mayor within ten days after he has received it, it shall become a law in like manner as if he had signed it.

By-laws.

§ 7. The common council within said city shall have power, as herein provided, to make, establish, publish, modify, ordain, amend or repeal ordinances, rules, regulations and by-laws for the following purposes:

Finances.

1. To manage and regulate the finances, and to regulate and preserve the property, real and personal, of the city.

Police.

2. To establish and regulate a day and night police, and fire department of the city, and to define and regulate the duties and powers of firemen and policemen; to light the streets of the city and supply it with water.

Disorderly
houses.

3. To suppress and restrain disorderly houses and houses of ill fame, gaming tables, ball alleys, the playing of cards or games of chance, places where liquor is sold to be drunk, to destroy all instruments or devices employed in gaming, to restrain and punish vagrants, mendicants, street beggars and common prostitutes, and to prevent any riot, disturbance or disorderly assemblages.

Shows.

4. To prohibit or regulate theatrical performances, concerts, the exhibition of common showmen, or of curiosities or other public exhibitions tending to create or encourage idleness or immorality, or to collect a crowd or assemblage of people.

5. To regulate the wharves owned by the city and direct the affairs thereof. Wharves.

6. To license and regulate cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers, and all carriages and vehicles used for the transportation of passengers or merchandise, goods or articles of any kind, common criers, hawkers, pedlers, pawnbrokers, auctioneers, sweeps and scavengers, and fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in either of such capacities, or to authorize the mayor to grant such licenses, and to require the owners to mark such carriages and vehicles in such manner as the common council shall designate. Cartmen, porters, &c.

7. To regulate slaughter-houses and markets for the sale of fresh meat, of fish, fruit and vegetables, and to prohibit the building or making the same except at such places as the common council shall designate; and to regulate houses for the sale or storing of gunpowder or any other combustible substance, and to prohibit the building, making or using the same except at such places as the common council shall designate. Markets.

8. To prohibit the sale of wood from wagons, sleighs or other vehicles, in any of the streets, squares, lanes or avenues of said city, unless the same shall have been measured by some competent person, to be designated by ordinance or resolution of the common council, and to fix the fee for measuring such wood. Wood, sale of.

9. To regulate the sale of hay, straw, grain, lumber or other articles from wagons or other vehicles, and the place of weighing or measuring the same. Hay.

10. To regulate the burial of the dead, prohibit interments within the city or within such limits as it may prescribe, purchase land for public burial places, direct the keeping and returning of bills of mortality, and to establish such regulations for conveying the dead through the streets of said city as they may deem proper. Burial.

11. To prevent, prohibit and remove obstructions and incumbrances in and upon all wharves, streets, lanes, public squares and public places, and the throwing of dirt, filth, rubbish or other things in or upon the same; to direct and regulate the planting, rearing, trimming and preserving ornamental and shade trees in the streets, parks and grounds of the city, at the expense of the owners of the premises fronting thereon, or otherwise; to enforce the removal of snow, ice, dirt or other things from side-walks Obstructions to streets, &c.

and gutters, and to direct the sweeping and cleaning of streets by the persons owning or occupying the premises fronting thereon.

- Cattle.** 12. To prohibit, restrain or regulate the keeping or running at large of all cattle, horses, sheep, swine, geese or other animals, and to authorize and regulate the impounding and sale of the same for the penalty incurred and cost of proceedings, and to pass ordinances for the destruction of dogs.
- Nuisances.** 13. To abate, destroy and remove nuisances.
- Bathing.** 14. To regulate or prohibit swimming or bathing in the waters in or surrounding the city.
- Firing of guns.** 15. To prohibit or regulate the flying of kites, or the firing of guns, pistols, squibs, crackers, or any other practice having a tendency to frighten animals, or to annoy persons passing in the streets or on the side-walks in said city.
- Racing.** 16. To prohibit and prevent horse-racing and immoderate driving in said city, and to authorize the stopping of any one who shall be guilty of so doing.
- Runners for boats.** 17. To prohibit, regulate or restrain runners for boats, stages, railroads, taverns or other houses, and also to regulate and control the running of engines and cars through said city, so that no cars shall be propelled at a greater speed than eight miles per hour.
- Compensation for services.** 18. To regulate the compensation for services of any officer of said city or other person employed by him for searching the books, files or records of said city for private persons, which compensation shall be paid into the city treasury.
- Ringing of bells.** 19. To prevent and regulate the ringing and tolling of bells, blowing horns, and crying goods, and other things in said city.
- Sale of liquors.** 20. To regulate victualling houses, cellars, gardens and other places where ardent spirits and other intoxicating drinks may be sold, and prohibit the keeping of the same except by persons duly licensed.
- Weights and measures.** 21. To appoint annually one examiner of weights and measures, and to prescribe what and the only compensation he shall receive therefor.
- Scales.** 22. To appoint annually two weighers of hay to take charge of the hay scales belonging to said city, and four measurers of wood whose duty it shall be to measure the wood brought to said city, upon either of the canals of this state, and to prescribe their compensation therefor.

23. To regulate auction sales, and to restrain and prohibit hawking and peddling in the streets.

Auction
sales.

24. To construct, build, rebuild or repair sewers in said city, the expenses of the same to be assessed upon the property benefited, by the assessor of the ward, or if the same be in more than one ward, the assessors of the wards directly benefited by the same, whenever directed by the common council, in a just and equitable manner, as nearly as may be in proportion to the advantages which each owner of property may be deemed to derive therefrom.

Sewers.

25. To regulate the construction of chimneys, and to compel the sweeping thereof; to prevent the setting up, using or constructing of stoves, boilers, ovens or other things in such a manner as to be dangerous; to prohibit the deposit of ashes in unsafe places; to authorize any city officer, or person or persons whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so; to regulate the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the sale or use of fire-works or fire-arms in said city; to require all such further or other acts to be done, and to regulate or prohibit the doing of all such further or other acts, as they may deem proper to prevent the occurrence and provide for the extinguishment of fires in said city.

Chimneys,
&c.

26. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, mill-pond or pond of water, slaughter-house, stables, stalls, privy, sewer or other unwholesome or nauseous house, place or yard, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort or convenience of the inhabitants, at the expense of the owner or occupant thereof, and to prescribe certain limits within which it shall not be lawful to erect or establish any offensive or unwholesome manufactory or business.

Unsavory
occupations.

27. To direct the digging down, draining or filling up of lots, pieces or parcels of ground, in all cases in which by a vote of two-thirds they shall decide such digging down, draining or filling up necessary for preventing any damage or injury to any streets, side-walks, cross-walks or to the adjoining property, or for abating a nuisance at the expense of the owners thereof; to direct the fencing or inclosing of vacant lands in said city; but before any ordinance shall

Grading and
draining of
lots.

be passed for any of the purposes in this subdivision mentioned, five days' notice of the application for or the intention to pass such ordinance shall be given to every person or his or her agent to be affected thereby, either personally or by publication in the corporation newspapers.

Stoops and
steps.

28. To prevent or regulate the erection or construction of any stoop, step, platform, bay window, cellar door, area, descent into a cellar or basement, sign, or any post or erection, or any projection from any building, or otherwise, in, over or upon any street or avenue, or the removal of any house or other building through said city, and to cause the same to be taken out and removed from such street or avenue, at the expense of the owner or occupant of the premises.

Dangerous
buildings.

29. To raze or demolish any building or erection which, by reason of fire or any other cause, may become dangerous to human life or health, or tend to extend a conflagration.

Collection of
taxes.

30. To adopt all legal and requisite measures for levying and collecting taxes.

Evaston of
excise laws.

31. To prevent the selling or giving away, with intent to evade the excise laws, any strong or spirituous liquors by any innkeeper, storekeeper, trader, grocer, or other person, except by persons duly licensed thereto, and to prohibit the selling or giving away of any strong or spirituous liquors to any child, apprentice, servant, or minor, without the consent of his or her parent or guardian, master or masters.

Duties of
officers.

32. To limit and define the duties which are by this act required to be performed by the several officers of the city, and to prescribe such other or further duties to be performed by them, or any of them, as they may deem proper.

By-laws.

33. The common council shall also have power to make, establish, alter, modify, amend and repeal all such ordinances, rules, police regulations and by-laws, not contrary to the laws of this state or of the United States, as they may deem necessary to carry into effect the powers conferred on them by this act or by any other laws of this state, and such also as they shall deem necessary and proper for the good government, order and protection of the persons and property, and for the preservation of the public health, peace and prosperity of said city and its inhabitants. In every by-law, ordinance, or police or sanitary regulations the said common council may pass, they may impose such penalty for the violation or non-performance thereof, as they

may deem proper, not exceeding one hundred dollars in amount; but no such by-law, ordinance or regulation shall extend in its operation beyond the territorial limits of this city.

34. To control and regulate the thickness and manner of erecting brick or stone walls of buildings or erections in said city, so as to prohibit the erection of any such walls which would be dangerous to human life.

Walls of buildings.

35. To regulate, straighten, alter and improve the channel of the Onondaga creek, and drain the lands adjacent thereto. Whenever such creek shall be straightened, altered or improved, or said lands drained, the same shall be done in the same manner, as near as may be, as streets are herein required to be laid out and opened, and all awards for damages and the expenses of such improvement shall be assessed in the same manner as the awards for damages and the expenses of laying out and opening streets are required to be assessed; and for such purpose the common council shall have the same power to enter upon lands as they have in laying out and opening streets.

Onondaga creek.

36. To prevent and prohibit encroachments upon the channel of the Onondaga creek, and to clear out and deepen the same; and to require all persons who have heretofore or who may hereafter place obstructions in said channel to remove the same, and in case such persons shall neglect or refuse to do so, to cause the same to be done at the expense of such persons, and to sue for and recover of such persons the expense thereof in a civil action.

§ 8. The common council shall have power by resolution:

1. To compel the owner or occupant of any building or wall in the said city, which may be in a ruinous or unsafe condition, to render the same safe or to remove it, and in case he will not proceed as directed, either to render it safe or to remove it, to cause the same to be done at the expense of such owner or occupant, and to sue for and recover the expense thereof in a civil action, and also to prohibit the erection of any such building or wall.

Unsafe walls or buildings.

2. To require the removal or destruction of any dead carcass, or other unwholesome or offensive substance, or substances likely to become unwholesome or offensive, from any street, lot or building, by the owner or occupant thereof, and in case such owner or occupant will not proceed as required, to remove or destroy the same, then to cause the same to be done at the expense of such owner

Unwholesome substances.

or occupant, and to sue for and recover the expense thereof in a civil action.

Street ob-
structions.

3. To require any building, fence or other erection, which may be placed within or erected upon the line of any street or highway in the city, to be removed therefrom by the owner or occupant, and in case of his neglect to remove the same, to cause it to be removed at the expense of such owner or occupant, and to sue for and recover the expense thereof in a civil action.

Publication
of by-laws.

§ 9. Every general ordinance, by-law, rule or regulation which may be passed by the common council, imposing a penalty, shall, after the passage thereof and before the same shall take effect, be published for ten days successively in a corporation newspaper; proof of such publication by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, filed in the office of the city clerk, or a copy thereof certified by said clerk, shall be deemed presumptive evidence thereof in all courts and places; but such publication may be proved by any other competent evidence.

City papers.

§ 10. The common council shall designate two daily newspapers, printed in said city, in which shall be published all ordinances, resolutions, notices or other proceedings, which by this act or any other act are or may be required to be published, except as hereinafter otherwise directed.

Official re-
ports.

§ 11. The common council or comptroller shall have power, from time to time, to require any officer or department of the city government, and it shall be the duty of such officer or department whenever required, to furnish to the common council or comptroller any report, information or estimates, so called for or required.

Majority of
all elected
required to
pass votes.

§ 12. No motion or resolution, or other action of the common council, shall pass unless with the assent of a majority of all the members elected to the common council; but this provision shall not apply to cases where a vote of two-thirds is required.

TITLE VI.

CITY OFFICERS—THEIR DUTIES.

THE MAYOR.

His powers.

§ 1. The mayor shall hold his office one year. In addition to the powers conferred by law upon the mayors of cities, the mayor of the city of Syracuse shall possess all



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L A W S
OF THE
STATE OF NEW YORK,
PASSED AT THE
EIGHTY-SECOND SESSION
OF THE
LEGISLATURE,
BEGUN JANUARY FOURTH, AND ENDED APRIL NINETEENTH, 1859,
IN THE CITY OF ALBANY.



NEW YORK:
BANKS & BROTHERS, 144 NASSAU STREET.
ALBANY:
475 BROADWAY.
1859.

CERTIFICATE.

STATE OF NEW YORK, }
SECRETARY'S OFFICE, }

Albany, May 25, 1859.

Pursuant to the directions of the act entitled "An act relative to the publication of the Laws," passed April 12, 1843, I hereby certify that the following volume of the Laws of this State was printed under my direction.

GIDEON J. TUCKER,
Secretary of State.

In this volume, "every act which received the assent of three-fifths of all the Members elected to either House of the Legislature," pursuant to Section 14, of Article 7, of the Constitution of this State, is designated under its title by the words "Three-fifths being present." [See Laws of 1847, Vol. 1, Chap. 253.]

And every "act which received the assent of two-thirds of all the Members elected to each branch of the Legislature," pursuant to Section 9, of Article 1, of the Constitution, is designated under its title by the words "By a two-third vote." [See Laws of 1842, Chap. 306.]

with certain
conditions,
may change
toll.

Rates of
toll.

haric Turnpike Road Company, shall surrender that part of said road, commencing two rods westerly of the main bridge on said road, in the village of Oakhill, to the easterly end of said road, by complying with an act of the legislature of New York, passed the twenty-eighth of March, eighteen hundred and fifty-four, entitled "An act in relation to plankroads and turnpike roads;" said company may thereafter receive at their toll gates on said road the following tolls, and no other: For every vehicle drawn by two animals, twelve cents, and six cents if drawn by one animal; the remainder of the tolls to be collected at said gates shall be and remain as they now are, notwithstanding the abandoning of said piece of about five-eighths of a mile of road.

Chap. 320.

AN ACT to amend the incorporation of the village of Lancaster, in the county of Erie.

Passed April 14, 1859; three-fifths being present.

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

Bounds.

SECTION 1. That part of the town of Lancaster, in the county of Erie, embraced within the following bounds, that is to say: Beginning at the southeast corner of lot number nine, in the seventh section in township number eleven, in the sixth range of townships, as surveyed for the Holland Land Company, by Joseph Ellicott, surveyor; and running thence northerly, along the east line of lots number nine and ten of said section, and along the east line of lot number nine, in the eighth section in said township, to the center of the Ellicott road (so called); thence westerly, along the center of said road, to the west line of lot number five in the eleventh section of said township; thence southerly, along the west line of said lot number five, and along the west line of lots number six and five, in the tenth section in said township, to the southwest corner of said lot number five in said tenth section; thence easterly, along the south line of lots number five, three and one in said tenth section, and of

eleven and nine in said seventh section, to the place of beginning, shall constitute the village of Lancaster; and the inhabitants hereafter residing within said boundaries shall be a corporation by the name of "The village of Lancaster," and as such shall have a perpetual succession, and may sue and be sued in any court by that name; may take and hold by gift, grant or devise, any real or personal estate for the use of said village; may make and use a common seal, and alter the same; and may exercise such powers as are or shall be conferred by law, or by this act, or shall be necessary to carry such powers into effect.

§ 2. The officers of the said village shall be five trustees (one of whom shall be the president of said village), one assessor, one treasurer, one clerk, one collector, one pound master, one street commissioner, a chief engineer and one assistant engineer of the fire department in said village, and as many fire wardens as the trustees from time to time shall appoint. The trustees, assessor, treasurer, clerk and collector shall be elected at the annual meetings in said village for the election of officers, and shall hold their respective offices until the next annual election of village officers, and until their successors are duly qualified. The pound master, street commissioner and fire wardens shall be appointed by the trustees, and shall hold their respective offices during their pleasure. Officers.

§ 3. The first meeting for the election of officers of said village under this act, shall be held on the third Tuesday of April, eighteen hundred and fifty-nine, at the American hotel in said village, and William H. Bostwick, Milton McNeal and Abraham Kurtz, or any two of them, shall preside at said election; and in case two of said persons shall not attend within one hour after the time when the polls of said election may be opened, the electors present may designate, from their number, some two suitable persons to preside with such of the aforesaid persons as shall be in attendance at said election. The polls shall be kept open for the space of at least three hours, uninterruptedly, between ten o'clock in the forenoon, and four o'clock in the afternoon; at the opening of the polls, the persons presiding shall cause proclamation thereof to be made, and of the time when the polls will be closed, and all the provisions of law as to the First meeting.

manner of conducting elections; the rights, duties, powers and liabilities of persons presiding thereat, and of persons entitled to vote thereat; the canvass of votes, and declaring the result, and the certificate of canvass, and recording the same, hereinafter made applicable to annual meetings for election of officers, shall be applicable to the same; but no tax shall be voted at said meeting.

Annual
election.

§ 4. The annual meeting, for the election of officers of said village, shall be held on the last Tuesday of March, in each year. At least eight days' notice of such annual meeting shall be given by the clerk, by posting written or printed notices thereof in six of the most public places in said village. At such annual meeting, and at any special election, the trustees, or any one or more of them, shall preside; and all laws of this state in relation to the election of town officers, and notifying them of their election, shall apply to any election of officers of said village, held pursuant to the provisions of this act (except the election provided for in section three of this act), so far as the same can be so applied, and are consistent with the provisions of this act. Every such election shall be held at some convenient place in said village, to be designated by the trustees, or a majority of them, which they may procure for that purpose; the polls shall be kept open for the space of at least three hours, uninterruptedly, between ten o'clock in the forenoon and four o'clock in the afternoon; and the time of opening and closing the polls shall be specified in the notice of such election.

Trustees
presiding
at election.

§ 5. The trustee or trustees presiding at any such election, shall canvass the votes given thereat, shall openly declare the result, and shall make and subscribe a certificate of such canvass, which shall show the whole number of votes given, the number given for each person voted for, and the office for which he shall have been voted for; which certificate shall be recorded in the book of records of said village.

Qualified
voters.

§ 6. At any such election, every person qualified to vote for town officers, in the town of Lancaster, and who shall have resided in said village for the space of thirty days next preceding such election, may vote for all the officers to be chosen; no person shall be elected as such officer unless he shall be entitled to vote at the election at which he shall be voted for. The persons eligible, and

having the greatest number of votes, shall be declared elected; and if two or more shall have the greatest and an equal number of votes, the officers presiding at the election shall forthwith determine by lot which shall be deemed elected; and in such case the facts shall be set forth in the certificate of the result made by such officers.

§ 7. Every person elected at any such election, whose name shall be entered as a voter on the poll list kept thereat, shall be deemed to be notified of his election by the declaration of the result by the presiding officers; and every person so elected, whose name shall not be so entered, shall be notified of his election within ten days thereafter, and if elected at such first election, such notice shall be given by the inspectors presiding thereat, and if elected at a subsequent election, he shall be notified by the clerk of such village.

Persons
elected.

§ 8. Every officer elected in said village pursuant to the provisions of this act, and every officer appointed to fill a vacancy as hereinafter provided, shall, within ten days after he shall be notified of his election or appointment, take and subscribe the oath of office prescribed by the constitution, before any justice of the peace of the county of Erie, or other officer authorized to administer oaths, and file the same with the village clerk; and in case of his omission to file the same within the time aforesaid, he shall be deemed to have refused to serve.

Oath of
office.

§ 9. Whenever the office of more than two of the trustees shall be vacant, the remaining trustee or trustees shall appoint a time and place, and the clerk shall give notice of a special election to fill the vacancies; the same notice shall be given and the election shall be conducted in the same manner as herein provided with regard to an annual election.

Vacancy in
office of
trustees.

§ 10. The said village (except as to the Cayuga Creek road, and as to the bridges therein), shall be a road district, exempt from the superintendence of the commissioners of highways of the town of Lancaster; and the trustees of said village shall perform all the duties of commissioners of highways within said village, with the exception aforesaid, and shall have the same powers, and be subject to the same duties, over the roads, streets and alleys of said village, as commissioners of highways of towns consistent with this act, with power to lay out streets

Road
district.

Sewers,
ditches, &c.

and alleys of less than three rods in width, if they shall deem proper; and the street commissioner shall have the same powers within the bounds of said village, and be subject to the same duties, and liable to the same penalties as overseers of highways in towns, subject, nevertheless, to the provisions of this act, and shall also, under the direction of the trustees, superintend the making and repairing of side and crosswalks, sewers, ditches, drains, and the removal of encumbrances from roads, streets, alleys and sidewalks within said village, and perform such other duties as the trustees, consistent with the provisions of this act, shall direct. Nothing in this act contained shall, in any manner, affect the powers of the commissioners or superintendent of the western section of the Cayuga Creek *road, in repairing, improving and controlling last said road; and the trustees of said village shall have no power to direct any portion of the highway labor of persons in said village, residing on said road, to be performed elsewhere, except by the written assent of last said commissioner. The trustees, in making the assessment for highway labor, may take the last assessment roll of the village as a basis, omitting therefrom all such highway labor as properly belongs upon said Cayuga Creek road.

General tax.

§ 11. At any meeting of the electors of said village to elect officers, or at any other meeting of such electors, duly called, and notice given in the manner prescribed by this act, for notice of annual meetings, the persons entitled to vote to raise taxes in said village may, by resolution, direct the trustees to cause to be raised by a general tax, upon the taxable property liable to be assessed for taxes in said village, taxes for the following purposes, and no other:

Powers of
corporation,
&c.

1. For preserving the purity of the mineral waters in said village, and securing the same.

2. For procuring fire engines and other necessary apparatus therefor, and implements for hook and ladder companies; but no tax shall be raised for procuring more than one fire engine, when the population of said village does not exceed one thousand persons, and no more than one additional engine for every additional thousand of popu-

* So in original.

lation, nor for procuring such implements for more than one hook and ladder company, unless such population shall exceed two thousand persons, and implements for one additional company, for every additional two thousand of population.

3. For procuring the necessary ground, and erecting a suitable engine-house for every fire engine and its apparatus so procured, or for hiring suitable places for keeping them, and for keeping such implements. Taxes, for what purpose.

4. For making and maintaining such public wells and other reservoirs of water, and for procuring the necessary fixtures therefor, as the persons so entitled to vote to raise taxes shall deem necessary, for the extinguishment of fires in said village.

5. For procuring the necessary ground, and erecting a pound for the use of said village, and keeping the same in repair.

6. For the necessary advances for making and repairing sidewalks, and making other improvements authorized by this act, when those required shall neglect or refuse to do so.

7. For constructing and repairing crosswalks.

8. For prosecuting or defending suits in which said village shall be a party, or shall be interested. tdtd.

9. For procuring the necessary blank books for records and accounts of the village, and for such blanks, stationery and printing as may be necessary for village purposes.

10. For publishing this act, and the by-laws and ordinances, notices for elections and meetings, statements of accounts and claims allowed by the trustees, and all laws relative to said village.

11. For paying the village officers when allowed a compensation for their services.

12. For the necessary expenses of doing any specific act for the village, which it or any of its officers shall be by law expressly authorized to do; and for paying any legal claim against said village.

13. For any other specific purpose, for which the village shall be expressly authorized by law, to raise a tax in such manner.

§ 12. No tax shall be voted to be raised at any such meeting in said village, other than the annual meeting for the election of officers, unless the notice of holding such meeting. No tax to be raised except annual meeting.

ing, required by this act to be given, shall specify the amount and objects of such tax, and the specific sum required or proposed to be raised for each object, and shall state that such meeting will be called upon to vote in respect to raising the sum or sums so specified, and no tax for the purposes specified in subdivisions one, two, three and four of this section, shall be voted, unless the notice of holding such meeting shall also so specify.

Resolutions
adopted.

§ 13. Every resolution adopted at any such meeting, directing any tax to be raised, shall distinctly specify the objects for which such tax shall be directed to be raised, and the sum to be applied to each of such objects; otherwise such resolutions shall be void.

Any tax
may be re-
duced, &c.

§ 14. Any sum specified in any such notice, and proposed to be raised by tax, for any specific object, may be reduced, but shall not be increased, before the final vote in respect to directing the same to be raised; the final vote upon raising every such specific sum, shall be taken separately; every proposition to raise any specific sum, shall be deemed a separate and distinct resolution, in the proceedings thereon at such meeting; and it shall be in form, a separate and distinct resolution, and shall be so entered in the record of the proceedings of such meeting; if any person entitled to vote thereon shall so require; every vote to raise any sum of money in said village, which shall not be taken as herein provided, shall be void.

Voters, how
qualified.

§ 15. No person shall vote at any such meeting upon the question of raising any such tax, unless he shall be qualified to vote for village officers in said village, and shall own property liable to be assessed for taxes therein.

Taxes to be
assessed.

§ 16. All taxes voted to be raised in said village, shall be assessed and collected in conformity, as far as practicable, when not otherwise provided in this act, with the provisions of law in respect to the assessment and collection of taxes by town assessors and collectors.

Moneys
raised, how
applied.

§ 17. Whenever moneys shall be raised by tax in said village for any specific purpose, it shall not be applied to any other purpose without such a vote, directing such application, as was required to authorize the raising thereof, nor shall any money belonging to said village, derived from other sources than such taxes, be applied to any purpose other than mentioned in subdivisions five,

six, seven, eight, nine, ten, eleven and twelve of section eleven of this act, without such a vote directing its specific application.

§ 18. No account or claim against said village shall be paid until it shall have been presented to the trustees thereof, and audited and allowed by them.

Claims against village.

§ 19. No such account or claim shall be audited or allowed by the trustees unless it shall be made out in items, and shall be accompanied with an affidavit of the person claiming to have done the service or made the disbursements therein charged, that the several items of such account or claim are correct, that the services therein charged have been rendered, that the disbursements therein charged have been made, and that no part thereof has been paid; such affidavit shall be endorsed on or annexed to such account or claim, and presented and preserved therewith. The president or trustee presiding when such account or claim shall be presented to the trustees, may administer the oaths required by this section, and the trustees may examine the claimant on oath as to any items embraced in such account or claim.

Accounts to be made out in items.

§ 20. Nothing in the last preceding section shall be construed to prevent the trustees from disallowing any account or claim, in whole or in part, when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof.

Trustees may disallow claim, &c.

§ 21. Every account or claim against said village, presented to the trustees in any year, commencing at the annual meeting, shall be numbered from number one upwards in the order in which it shall be presented, and a memorandum of the time of presenting and auditing the same, the name of the person in whose favor it shall be made, and the person by whom it shall be presented, the amount claimed and the amount allowed, and from what fund payable, and if allowed only in part, the charges for which the same was allowed shall be entered in the records of the proceedings of the trustees, and said account filed with the clerk. The clerk shall thereupon draw a warrant upon the treasurer for the amount allowed, which shall be countersigned by the president.

Accounts must be numbered.

§ 22. Every warrant drawn to pay any account or claim shall refer to such account by its number, the name of the person in whose favor it was made out, and

Warrants to refer to account as numbered.

the time when it was presented, and from what fund payable, and a memorandum of the drawing of such warrant shall be entered in such records before such warrant shall be delivered to the claimant.

No account to be audited, which village is not legally bound to pay.

§ 23. No item in any account or claim against said village, which said village shall not be legally bound to pay, or for the payment of which it could not lawfully raise money therein by tax, shall be allowed, nor shall any warrant be drawn for the payment of any such account or claim from any fund from which such account or claim, or any part thereof, shall not be payable.

Treasurer to pay all accounts.

§ 24. No such account or claim shall be paid, except by the treasurer, on the warrant of the clerk, countersigned by the president, and specifying the fund from which such warrant is payable, and it shall be paid out of no other.

Village not to borrow money by its officers.

§ 25. The said village shall have no power to borrow money, nor shall it be liable to pay money borrowed on its account, or advanced in its behalf, by its officers, or by any other person, nor shall any of its money or property be applied to any such purpose; nor shall such village incur any debt or liability beyond the amount of the taxes applicable to the payment of such debts or liabilities, which shall have been voted to be raised in said village according to law, unless otherwise provided by this act.

No debt to be incurred by any officer.

§ 26. No officer of said village shall have power to assent to incurring any debt or liability on the part of said village, contrary to the provisions of this act; nor shall any such debt or liability be paid from the money or property of said village; but all such officers assenting or assuming to assent to any such debt or liability, contrary to the provisions of this act, shall be jointly and severally liable, in their individual capacities, to pay the same.

Duty of assessor.

§ 27. The assessor of said village shall, between the time of holding the annual meeting for the election of officers, and the first Monday of May in each year, make out an assessment roll, and also between the time of holding the first meeting for the election of officers under this act and the first Monday of May following, and is hereby invested with the same powers in respect to assessments for moneys directed to be raised by tax, as herein pro-

vided, as town assessors, including the power to administer oaths and to correct valuations on the application of persons interested; but the assessor must fix the time and place in said village for hearing applications to correct the valuations, which shall be within ten days after making out the assessment roll as aforesaid, and give notice thereof by posting the same at least six days prior to the time appointed for such hearing, in at least six public places in said village. Any person who shall consider himself aggrieved by such assessment may, within five days after the determination of the assessor upon a review thereof, appeal from the assessor to the trustees, by giving the assessor at least one day's notice, in writing, of such appeal, and the time and place of determining the same by the trustees, who shall hear the same and do justice in the premises, and may modify or reduce the same as they shall deem proper. Every species of property liable to be assessed by town assessors shall be liable to assessment under this act.

§ 28. Upon the final completion of the assessment roll, the assessor shall deliver the same to the village clerk. The trustees shall cause to be estimated, and set down in the proper column in the assessment roll, opposite the several sums set down as the valuation of real and personal estates, the respective sums, in dollars and cents, to be paid as a tax thereon; and a fair copy of the assessment roll, with the taxes annexed, to be made. They shall also cause a warrant to the collector, signed by the president and clerk, with the corporate seal affixed, or signed by the trustees or a majority of them, similar in form to the warrant prescribed by law for the collection of town and county taxes, to be attached to said assessment roll or copy; and the same, with the warrant so attached, to be delivered to the collector on or before the tenth day of June in each year. The trustees shall, within the same time, estimate and assess the highway labor to be performed in said village the ensuing year.

Assessment roll to be delivered to clerk, &c.

§ 29. Upon the delivery to him of any such roll or warrant, the collector shall deposit with the village clerk a copy of the warrant, with his receipt indorsed thereon, acknowledging the reception by him of the roll and warrant, and thereupon shall proceed to collect the taxes in said roll specified, in the manner required by law for col-

Duty of collectors.

lecting county taxes, and shall have all the powers and authority conferred by law upon town collectors, and shall pay all moneys collected by him to the village treasurer, and take his receipt therefor. The collector shall make return to the treasurer of the amount collected, and of the taxes remaining unpaid, and shall be credited in the same manner as town collectors are credited by county treasurers. Upon all taxes collected he shall be entitled to collect and receive five per cent for his fees, unless otherwise directed by the trustees.

Unpaid
taxes.

§ 80. All taxes and assessments which shall remain unpaid for three months after the date of the warrant authorizing the collection thereof, shall bear interest at the rate of ten per cent per annum from the date of the warrant, and such tax and interest may be sued for and recovered by the village against any person liable therefor. In any such action, the assessment or tax roll shall be prima facie evidence of the right to recover such tax and interest as aforesaid.

Warrant
may be
renewed.

§ 31. The trustees may renew, from time to time, any warrant issued for the collection of any tax or assessment returned uncollected, or issue a new warrant for the collection thereof. In such renewal or warrant they shall specify the time when the same shall be returned, and may direct the collection of the interest on such taxes or assessments at the rate aforesaid, and the same proceedings shall be had thereon as upon the first warrant.

Collector
to execute
a bond.

§ 32. Before the collector of such village shall receive any warrant for the collection of taxes or the expenses of making or repairing sidewalks, sewers, ditches or drains, he shall execute to such village by its corporate name, and deliver to the trustees thereof, a bond with sufficient sureties, to be approved by them by a certificate signed by them and endorsed thereon, conditioned for the faithful performance of his official duties; and if he shall neglect to execute and deliver to the trustees such bond within three days after being notified by the president to do so, his office shall be vacant.

Repairing
sidewalks,
&c.

§ 33. The trustees may by resolution direct the making, repairing or improving of any sidewalk upon any of the public streets in said village, and may direct or regulate the grade of any such sidewalk, and the placing of curb-stones by the outward side thereof, and the manner

in which such sidewalks shall be made, repaired or improved; but no sidewalk shall be directed to be made on the side of any street whereon none has before been made on the same side, or extended beyond where a sidewalk has before been made, unless upon petition, in writing, of a majority of the persons liable to be taxed for making sidewalks on the same side, and no sidewalk shall be directed to be made of any more costly material than plank, with sufficient bed-pieces, and properly spiked and fastened, unless upon the like petition. In every such resolution, the portion of such sidewalk which the owner of the adjacent lot is required to make, repair or improve as aforesaid, the manner in which the same is required to be done, and the materials to be used, shall be specified.

§ 34. The expense of making, repairing or improving any such sidewalks, as specified in the last preceding section, opposite to and on the same side of the street with any lot, shall be a lien thereon, and if the owner thereof be a resident of said village, the trustees shall give him notice of the manner in which such sidewalks are required to be made, repaired or improved, and of the time, not less than ten days, if required to be repaired, and not less than thirty days if a new walk is required to be made, within which it may be done by him, at his own expense, under the superintendence of the trustees or street commissioner.

§ 35. If such owner shall not make, repair or improve such sidewalk within the time and in the manner directed by the trustees, as aforesaid, or if he be not a resident of said village, the trustees may cause the same to be done, under the superintendence of the street commissioners, who shall keep an account of the expenses thereof, which shall be a tax against the owner and a lien upon said lot; they may borrow the necessary money to defray such expenses, to be repaid with interest from such tax when collected, and they shall issue their warrant to the collector for the collection of such tax, and the same shall be collected in the same manner as other village taxes; but the amount of such expenses, and the items thereof, shall be duly verified by the street commissioner or one of the trustees, and filed with the clerk, before they shall constitute a lien upon any such lot, and before any such warrant shall issue.

Expense of
repairing,
&c.

Owner
neglecting
to repair
sidewalks,
&c.

Sewers,
ditches and
drains to be
made.

§ 36. The trustees shall have power to cause common sewers, ditches and drains to be made in any part of said village, and to cause to be made estimates of the expenses thereof, and a just and equitable assessment of such expense. All such assessments, whether for general or local purposes, shall be laid or assessed, and distributed or proportioned by or under the direction of the trustees. Those which the trustees shall adjudge and declare to be for the general benefit of the village, shall be assessed in the same manner as other taxes and assessments assessed for general purposes, and shall be voted for and raised in the same manner and upon the like notice. Those which the trustees shall adjudge and declare to be local, shall be assessed upon the owners of the lots intended to be benefited by such improvements, in proportion, as nearly as may be, to the benefits which each person so taxed or assessed, and the lot owned by him, shall be deemed to receive from such improvement. But no such local improvement shall be ordered by the trustees, unless upon the petition to them, in writing, of at least two-thirds of the persons liable to be taxed for such local improvement.

How paid
for.

Assessment
for local im-
provements.

When any such local improvement shall be ordered, the trustees shall cause an assessment to be made of the property liable to be taxed therefor; when said assessment shall be completed they shall appoint a time and place, in said village, of meeting to hear applications to correct said assessment, and cause notice of such meeting to be given by posting the same, at least two weeks prior to the time appointed for such meeting, in at least six public places in said village, and shall have the same power as town assessors in correcting valuations on the application of persons interested. The trustees shall issue their warrant to the collector for the collection of such tax or assessment, and the same shall be collected in the same manner as other village taxes; but the amount and items of any tax or assessment, for local purposes, shall be the first verified and filed, as required by section thirty-five of this act. The collector shall be entitled to collect and receive the same fees, for collecting taxes mentioned in this and the preceding section, as for other village taxes.

Warrants
to be re-
turnable as
other war-
rants.

§ 37. Every such warrant shall be returnable, and may be renewed like other warrants for the collection of taxes in said village, and it shall set forth plainly, by some brief

description of the lot charged with the tax or assessment, as it is required to be set forth in warrants for the collection of taxes by town collectors; the name of the owner, if it can be ascertained; the time when the resolution or direction for the improvement was made, under which the expenses charged on such lot were made or incurred; the amount of such tax or assessment; and the street and part thereof, as near as may be, where such improvement was required to be made.

§ 38. Whenever the collector of said village shall return, on oath, that within the time specified for the return thereof, in any warrant for the collection of taxes, or the expenses of making any of the improvements hereinbefore authorized, he was unable to find, within such village, sufficient property out of which he could collect any such tax or expenses specified in such warrant, the trustees may, in the corporate name of said village, prosecute the person liable to pay such tax or expenses, in any court having cognizance of such case, and recover the amount thereof remaining uncollected, with costs.

§ 39. All taxes, assessments and expenses, as hereinbefore provided, levied by virtue of this act, shall be a lien upon the real estate upon which they shall be assessed; and whenever the collector shall, upon any warrant for the collection of taxes, assessments or expenses, return upon oath that he could not, previous to the return day of such warrant, find any property within such village out of which he could collect the same, the trustees may lease the real estate upon which such tax shall have been assessed, or such expenses shall be a lien, or so much thereof as may be necessary to pay such tax or expenses, and the interest thereon, and the costs of advertising and leasing the same, which costs shall not exceed five dollars, to the person who will, for the use of such real estate, or some part thereof, for the shortest period, not exceeding five years, pay such tax or expenses, interest and costs.

§ 40. The trustees shall give notice of such leasing, by publishing the notice thereof once each week, for six successive weeks, in a public newspaper printed in said village, if there be one, and by posting such notice in at least six of the most public places in said village, at least six weeks before leasing.

§ 41. Such notice shall specify the time and place of such leasing, a brief description of the lot to be leased, so that its locality can be easily ascertained; and it shall state the name of the person against whom such tax or expenses were assessed.

Any lot,
when leased.

§ 42. Any lot or part of lot which shall be so leased may, at any time within one year of such leasing, be redeemed therefrom by the owner, on his paying to the lessee the amount bid by him on such leasing, with interest thereon, at the rate of ten per cent per year from the time of such leasing, or paying the same to the treasurer of said village, for the use of lessee; but such lessee shall be entitled to any crops planted or sown by him.

Lessee to be
presumptive
evidence.

§ 43. The lease executed by the trustees shall be presumptive evidence, that all the proceedings which terminated in making such lease from and including the voting of the tax, or the directing of the improvements, to and including such leasing, were legal.

Unpaid
taxes.

§ 44. All taxes and assessments for expenses authorized by this act, which shall remain unpaid for three months after the issuing of the warrant for the collection thereof, shall bear interest at the rate of ten per cent a year, and such interest may be collected with such taxes and assessments, at the times and in the manner before provided.

Assessor's
compensation.

§ 45. The assessor shall receive for his services a compensation to be fixed by the by-laws of said village, which shall not exceed the compensation allowed to town assessors for similar services.

President,
duties of.

§ 46. The president of the said village shall preside at all the meetings of the trustees thereof, when he shall be present; he shall call special meetings of the trustees, when, in his opinion, the interests of said village shall require it, and whenever he shall be requested so to do by two or more of the trustees; he shall take care that all the by-laws of said village are faithfully executed; he shall prosecute in the corporate name, and for the use of said village, for all penalties incurred by any violation of such by-laws, and for all penalties and sums of money due said village, and he shall perform such other duties as shall be imposed on him by law, or by the by-laws of said village.

§ 47. All meetings of the trustees shall be public, and all persons may attend the same; and it shall be the duty of such trustees:

Meetings of trustees to be public.

1. To appoint one of their number to be president of such village, and also to appoint one of their number to preside at any meeting of such trustees when the president shall be absent.

Duties of trustees.

2. To appoint a suitable person to keep a poll list, at any meeting of the electors of said village, when such poll list shall be required to be kept, and the clerk shall not attend.

3. To fill any vacancy in any office of said village, except that of trustee, by appointing a person who shall hold the office for the residue of the term, unless sooner removed.

4. To provide for the care, custody and preservation of the public property, records, seal and paper of said village.

5. To see that the officers of said village perform their duties faithfully and correctly, and to cause measures to be taken to punish any neglect of duty by any of them.

Ibid.

6. To call meetings of the electors of said village, when, in their judgment, the interests of said village require it, or whenever at least fifty of the taxpayers of said village shall, in writing, request it.

7. To give notice, in the manner prescribed by law, of the annual and special meetings of such electors, or to cause the same to be done, and to preside at such meetings.

8. To present to every such annual meeting a detailed statement, signed by them, showing when and from what sources all moneys paid into the treasury of said village, during the preceding year, have been derived, and when, and to whom, and for what purposes, all moneys paid from such treasury during the same period have been paid; how much of any sum raised in said village, during such year, for any specific purpose, or directed at the last annual meeting, or at any special meeting in such year, to be applied to any specific purpose, has been so applied, and how much thereof remains on hand, what sidewalks have been made or repaired, and other improvements made, during such year, at the expense of the owners, and amount of the collections on account of

Statement to be presented, &c., to meeting.

such expense, the names of the owners of lots from whom any sums are due on account of such expense, and the amount due from them respectively; which statement shall be filed with the clerk.

9. To present to every such annual meeting a detailed statement, subscribed by them, of the estimated expenses of said village, for the ensuing year, to meet which, taxes may be lawfully raised, specifying each item of anticipated expense; which statement shall be filed with the clerk.

10. To carry into effect every resolution adopted at any meeting of the electors of said village, duly convened, which such meeting shall have authority to adopt.

Audit
accounts.

11. To audit accounts and claims against such village, and to cause a warrant to be drawn on the treasurer for the payment of every account or claim allowed by them.

12. To audit every claim of the pound master for fees and compensation, in respect to animals found going at large (other than fees for receiving and discharging animals), and to hear and determine any application of the owner of any such animals, for a remission of the penalty incurred by their so going at large.

Penalties to
be fixed, &c.

13. To fix upon the penalty, and decide upon the sufficiency of the sureties in the official bonds of the treasurer and collector of said village.

14. To fix the compensation of the assessor, treasurer, clerk, collector and street commissioner, subject to the provisions of this act.

How ac-
counts
should be
kept.

15. To prescribe the manner, when not otherwise provided by law, in which the treasurer shall keep the accounts and vouchers; and the clerk shall keep the records and papers of said village, and to examine such accounts and records, from time to time, in order to detect any errors therein.

Issue war-
rants.

16. To issue warrants for the collection of taxes assessed in said village, and for the collection of the expenses of making, repairing or improving sidewalks, or making any other improvement authorized by this act, of the owners or occupants of lots who ought to pay the same, and on which such expenses shall be a lien, which shall be returnable in sixty days from the time of issuing the same, and to renew the same when necessary.

17. To execute leases of real estate as prescribed by ^{Execute} this act. _{leases.}

18. To enter, or to authorize to enter, in the daytime, when in their judgment the interests of the village shall require it, any building in said village; in which there shall be a fireplace, stove or stove pipe, for the purpose of examining the same, and to make such regulations in regard thereto as a proper security against fire shall in their judgment require. ^{Fireplaces,} _{&c.}

19. To compel every male resident of said village, of the age of sixteen years and upwards, attending any fire in said village, to assist in extinguishing the same, when required by any fire warden or trustee, or by any officer of any fire company or hook and ladder company in said village. ^{To compel} _{persons} ^{to assist} _{at fires.}

20. To compel all persons in said village to keep their ashes safely. ^{Ashes, how} _{kept.}

21. To exercise, exclusively within the limits of said village, the powers vested in two justices of the peace by the second section of the first article of the eighth title of the twentieth chapter of the first part of the Revised Statutes; and the trustees may exact and receive, for the use of said village, of any person to whom they shall grant any license, mentioned in the said section, a sum not exceeding fifty dollars as a condition of granting such license. ^{Justices of} _{the peace.}

22. To direct the time, place and manner of making, grading, pitching, paving and repairing sidewalks and crosswalks in said village, and to direct the manner of making all other improvements authorized by this act. ^{Grading} _{streets, &c.}

23. To prescribe the manner of repairing streets and highways, and laying out the highway labor, or money commuted for highway purposes in said village.

24. To perform all the duties imposed on them by this act, or by any other law of this state.

25. To make such by-laws, not inconsistent with the laws of this state or of the United States, as they shall deem proper, to carry into effect the provisions of this act and of other laws applicable to said village, and the powers vested in any officer thereof, and may enforce the observance of all by-laws, rules, regulations and ordinances which they are permitted to pass, in order to carry into effect the powers vested in them, by the im- ^{By-laws.}

position of penalties on the persons violating the same, not exceeding twenty-five dollars for each violation, to be recovered in an action before any justice of the peace of the town of Lancaster; but no such by-law shall prescribe any penalty for any act which shall be prohibited, and for doing which a penalty shall be prescribed by the laws of this state; and no such by-laws shall take effect until two days after it shall have been published in all the newspapers printed in said village, or until four days after copies thereof shall have been posted in six public places in said village, of which publication or posting an affidavit shall be made and filed with the village clerk, within six days after it shall take place, and shall be due proof thereof.

Village to pay for the procuring of the passage of this act.

26. It shall be the duty of the trustees to audit and allow the necessary and proper expenses of preparing and procuring the passage of this act, and the same shall be assessed and raised upon the taxable property of said village, in the same manner as if it had been directed to be raised by a vote of the electors of said village, and included in the first general tax after the auditing thereof.

§ 48. The trustees shall have power, in their discretion:

To restrain horses, &c., from running at large

1. To restrain cattle, horses, sheep, swine and geese from going at large in such village, under a penalty not exceeding five dollars for every such animal found so going at large in violation of the by-laws of said village, which animals, so going at large, shall be liable to be distrained, impounded and sold as provided by this act; and the owner, or person having in his possession any such animal, shall be liable to such penalty, which may be sued for and recovered with costs in the corporate name and for the use of said village.

Sidewalks not to be incumbered.

2. To prohibit the encumbering of the sidewalks of said village with any materials whatever, and riding or driving thereon, except to cross the same.

Snow, dirt, &c.

3. To compel persons to remove snow, dirt, rubbish, or any material substance, from the sidewalks opposite to and on the same side of the street with lots owned or occupied by them, within such time as the trustees by by-laws shall prescribe.

4. To compel persons to remove dead animals and stagnant water from their premises. Dead animals, &c.
5. To prohibit flying kites, rolling hoops, playing ball, and practising other dangerous sports in the streets of said village or any of them. Kites.
6. To appoint fire wardens in said village, not exceeding five, and by by-laws to fix their compensation and prescribe their powers and duties, as well as the powers and duties of the chief engineer and assistant engineer of the fire department of said village, in addition to those already prescribed by law or by this act. Fire Wardens.
7. To compel occupants of buildings in said village, in which fire shall be kept, to keep fire buckets. Fire buckets.
8. To prevent encumbering or obstructing the streets or highways in said village, or any of them, with railway trains, cars or engines, or with logs, timber, lumber, wood, boxes, barrels, or any substance or material whatsoever. Railway trains.
9. To prevent or regulate the firing of guns, pistols, crackers, rockets and squibs; the throwing or playing with fire balls, or any other fireworks charged with gunpowder or other explosive or inflammable material; and the building of fires in any part of the public streets of said village; and the making of any improper noise which may disturb the peace of said village. Firing guns, &c.
10. To prohibit any person from bringing, depositing or leaving, within the limits of said village, any dead carcass or other unwholesome substance, and to require its removal or destruction by any person who shall have on or about his premises any such substance, or putrid meat, fish, hides, or skins of any kind; and on his default to authorize the removal or destruction thereof by some officer of said village; to abate any nuisance within said village injurious to the public health; to locate and direct the location of all slaughter-houses and places where animals may be slaughtered, and prohibit the slaughtering thereof elsewhere in said village; to prohibit or direct the location of buildings for storing gunpowder and other combustible and explosive substances, and to regulate the safe keeping and conveyance thereof. Dead carcasses.
11. To prohibit horse racing and immoderate driving within the streets of said village. Horse-racing.
12. To prevent the injury or destruction of shade Shade trees.

trees planted along the streets and sidewalks in said village, and to encourage the planting and growth of such shade trees, by commutation for highway labor, as they shall by by-laws or otherwise direct.

Bathing, &c.

13. To prohibit or to regulate and determine the time and places of bathing and swimming in mill races, ponds, or other waters in said village.

Riots.

14. To prevent any riot or noise, disturbances or disorderly assemblages; to suppress and restrain disorderly houses and houses of ill-fame; to prevent and punish drunkenness and disorderly conduct in public streets and places; to restrain and punish vagrants, mendicants, street beggars, common prostitutes and disorderly persons, and to prohibit every description of gambling.

ringing
bells.

15. To regulate or prevent the ringing of bells, blowing of horns and crying of goods, wares and merchandise or other commodity, or hawking and peddling in any of the streets of said village.

16. To designate and alter the names of any of the public streets in said village, and to procure a survey and map of said village, from time to time, as they shall deem necessary.

Census.

17. To cause the census of said village to be taken as often as they shall deem necessary, and to appoint some suitable person to take the same, and to fix the compensation therefor.

Medicinal
waters.

§ 49. Every person who shall wantonly or willfully pollute any of the medical or medicinal waters in said village, or commit any trespass, injury or nuisance upon any useful or ornamental improvements, building or erection around the same, shall be deemed guilty of a misdemeanor, which offense may be tried before a court of special sessions; and all the provisions of law relative to the arrest, trial and punishment of persons charged with misdemeanors, triable in such court, shall be applicable to offenses in violation of this section.

Voters.

§ 50. Every person, not being entitled to vote upon any question of raising money by tax, at any village meeting held under the provisions of this act, who shall vote or offer to vote upon any such question at any such meeting, shall forfeit, to the use of said village, the sum of twenty-five dollars.

Compensa-

§ 51. The treasurer of said village shall receive such

compensation for his services as shall be fixed by the by-laws of said village, not exceeding the compensation allowed to county treasurers for similar services. tion of treasurer.

§ 52. The clerk of said village shall receive such compensation for his services as shall be fixed by the said by-laws, which shall not exceed the compensation allowed to town clerks for similar services; and he shall perform all duties imposed on him by the by-laws of said village, or by this act. Clerk's compensation.

§ 53. The street commissioner of said village shall receive such compensation for his services as shall be fixed by the by laws, not exceeding one dollar and fifty cents per day. Street commissioner.

§ 54. Before the treasurer of said village shall enter upon the duties of his office, he shall execute to said village, by its corporate name, and deliver to the trustees thereof, a bond with sufficient sureties to be approved by them, by a certificate of such approval, signed by them and indorsed thereon, conditioned for the faithful performance of his official duties; and if he shall neglect to execute and deliver to the trustees such bond, within three days after being notified by the president to do so, his office shall be vacant. Bond of treasurer.

§ 55. Such treasurer shall receive and safely keep, and he shall pay out, when lawfully required to do so, all moneys belonging to such village; he shall keep accounts of all such moneys, as by law he shall be required to keep the same; he shall preserve all vouchers filed in his office; he shall comply with every law of this state, and with every by-law of such village, legally adopted, in respect to his duties; and he, or in case of his death, his executors or administrators, shall, on demand, deliver to his successor in office, on oath, all books and vouchers belonging to his office, and all money and other property, in his or their custody, belonging to such village. Treasurer to receive all moneys, &c.

§ 56. The treasurer shall so keep his accounts as to show when and from what sources all moneys paid to him shall have been received, and when and to whom, and out of what fund, all moneys paid out by him shall have been paid. Accounts of treasurer.

§ 57. When any money shall be raised by tax in such village for any specific purpose, or, by a vote or resolution of the electors thereof, shall be directed to be applied Treasurer to keep separate accounts of tax, &c.

for any specific purpose, the treasurer shall keep a separate account in respect to such money, which shall show the amount thereof received by him, and when and to whom any portion thereof shall have been paid.

Treasurer
to exhibit
books at
annual
meeting.

§ 58. The treasurer shall exhibit his books of accounts and vouchers at every annual meeting of the electors of such village, and at every special meeting thereof, when required to do so by any trustee; they shall, at all times, be open to the inspection of any one or more of the trustees, and, whenever required by the trustees, he shall furnish abstracts or statements therefrom, for their use, or to be presented to any such meeting.

Clerk to
have
custody of
records, &c.

§ 59. The clerk shall have the custody of, and shall safely keep all the records, books and papers thereof, except such as shall pertain to the treasurer's office, or to the business thereof, and of which the treasurer should have custody; he shall attend all meetings of the trustees, and record all their proceedings; he shall file all papers, and record all matters which he shall, by law, or by the by-laws of such village, be required to file or record; he shall attend all meetings of the electors of said village, and keep a poll list at such meetings when required by the trustees to do so; and he, or in case of his death, his executors or administrators, shall, on demand, deliver to his successors in office, on oath, all records, books, maps, papers and other property of said village, in his or their custody.

Clerk to
record all
by-laws, &c.

§ 60. The clerk shall record the by-laws of said village; all votes and resolutions adopted at any village meeting; the certificate of the canvass of the votes given at any village election; all votes and resolutions adopted by the trustees; all appointments made by the trustees; all of which shall be by resolution, and all other matters which shall be proper to be recorded in the records of such village, or which the trustees shall, by by-laws, direct to be so recorded; and he shall file in his office every account and claim which shall be disallowed by the trustees.

Clerk to
furnish cer-
tified copy
of resolu-
tion, &c.

§ 61. Within three days after any meeting of the electors of said village shall have voted to raise any tax, the clerk shall furnish to the treasurer a certified copy of the resolution or vote for raising such tax, with a like copy of any vote or resolution adopted at such

meeting, directing the specific application of any of the funds of such village.

§ 62. The delivery of records, books, vouchers, money and other property of said village, to the successor in office of a treasurer, clerk or other officer of said village, may be enforced in the manner prescribed in the fifth article of the sixth title of the fifth chapter of the first part of the Revised Statutes. Books to be delivered.

§ 63. It shall be the duty of the pound master to distrain all animals which he shall find going at large in such village, in violation of the by-laws thereof, and all persons may distrain such animals, and drive them to the pound of such village; and when they shall be distrained by him or by others, and driven to such pound, he shall keep them in his custody until they shall be disposed of according to law. Duty of pound master.

§ 64. Within twenty-four hours after any such animals shall come into his custody, the pound master shall give notice thereof to the owner of such animals, if he be known, and be a resident of said village, and if such owner shall not be known, so that notice can be given to him within the time aforesaid, such notice shall be given to him within twenty-four hours after he shall become known, if he shall be a resident of said village. Ibid.

§ 65. Within twenty-four hours after any such animals shall come into his custody, the pound master shall, if they shall not be reclaimed by their owner, give notice of the sale thereof, by posting the same in at least six of the most public places in said village. Such sale shall not take place in less than six days from the time of posting the notice thereof. Ibid.

§ 66. If the value of such animals exceed ten dollars, notice of the sale thereof shall be published once in each week for two successive weeks, in a newspaper printed in said village, if there be one, and if there be none, then in the newspaper printed nearest to said village; if the value of such animals exceed twenty-five dollars, such notice shall be published as aforesaid, once in each week for four successive weeks; and in either case, if the residence of the owner be known, and be within fifteen miles of said village, such notice shall be served personally, or by leaving it at his residence at least ten days before the sale; but if his residence be more than Notice of sale of animals.

fifteen miles from said village, such notice shall be put into the post-office, directed to him at his place of residence, within two days after its first publication. The value of such animals, for the purpose of giving notice as aforesaid, may be determined by the pound master and one of the trustees, and in case of disagreement another trustee may be added.

Pound master to give notice to president of village.

§ 67. The pound master shall give notice of every such sale to the president of said village, or if he be absent, to one of the trustees; and one of the trustees shall attend every such sale, and may direct the manner of conducting the same, and shall see that the same is fairly conducted; and he may, in his discretion, direct it to be postponed, of which notice shall be given, as in cases of the postponement of the sale of personal property by a sheriff.

Owner may redeem, &c.

§ 68. At any time before such animals shall be sold, the owner shall be entitled to them on paying the pound master his fees, and a reasonable compensation for finding them, together with the penalty incurred by their going at large in said village, and on satisfying the trustees of his ownership; and they may, in their discretion, remit such penalty, either before or after a sale, if they shall be satisfied, by affidavit, to be filed with the clerk of said village, that such going at large of such animals was without any fault on the part of their owner or any of his agents.

When animals are sold.

§ 69. When any such animals shall be sold as aforesaid, the pound master shall be entitled to receive, out of the money arising from such sale, his fees for his services, in respect to them, and a reasonable compensation for feeding them, to be audited and allowed as hereinafter provided; and he shall, within forty-eight hours after such sale, pay the balance to the treasurer.

When owner shall file with trustees, claim, &c.

§ 70. If the owner of any animals so sold shall, within one year from the time of so paying to the treasurer the balance of the money arising from their sale, present to the trustees a claim for such balance, accompanied with an affidavit that such claim is well founded, and showing the grounds thereof, they shall, if satisfied of the justice of such claim, allow the same; but the penalty incurred by such animals going at large in said village shall be deducted from such balance, and

the remainder only shall be allowed to such claimant, unless such penalty shall be remitted as provided in the sixty-eighth section of this act. The proceedings upon the presentation and auditing of said claim shall be the same as in respect to other claims and accounts against the said village, presented to the trustees; and said claim and affidavit shall be filed with the clerk, and a warrant for the amount allowed, in like manner drawn.

§ 71. If such balance, or any part thereof, shall not be claimed by the person entitled thereto within one year as aforesaid, the electors of said village, at any village meeting regularly convened, may direct it to be applied to any purpose for which money may be raised by tax therein.

§ 72. The pound master shall be entitled to the same fees for receiving and discharging animals, including those distrained by himself, as are allowed to pound masters in towns for similar services, the same fees for making personal service on owners of animals as are allowed to constables for serving a summons issued by a justice of the peace; but no travel fee shall be allowed where the owner shall reside in said village; the printer's fees for publishing notices at the rate chargeable for legal advertisements; and a reasonable compensation for feeding such animals.

§ 73. Such fees and compensation (except the fees for receiving and discharging animals) shall be audited and allowed by the trustees, in all cases before they shall be received by the pound master, unless the same shall be agreed upon with and satisfied by the owner of such animals, and he shall receive no other compensation whatever.

§ 74. The pound master, upon discharging such animals, shall be entitled to receive from the owner his fees and compensation, together with the penalty incurred by their going at large in said village, unless such penalty shall be remitted by the trustees, as provided by this act. He shall pay over to the treasurer of said village, quarter-yearly, or at such stated times as the trustees by by-law shall direct, and, at the expiration of his office, all moneys received by him for penalties. He shall also, within one week preceding any annual meeting of the electors of said village, and

at such other times as the trustees shall require, render to the trustees an account, in writing, on oath, of all penalties received by him.

Chief engi-
neer of fire
department.

§ 75. The chief engineer of the fire department shall, under the direction of the trustees, have the general superintendence and custody of the fire engines, engine houses, hooks, ladders, hose, public cisterns, and other conveniences for the prevention and extinguishment of fires; it shall be his duty to see that the same are kept in proper order; to call out and exercise the fire companies of said village, with their apparatus, at least once in three months; and to make detailed reports to the trustees of the state of that department, one week before such annual meeting, and to make like reports to the trustees as often as they shall require.

Duty of
chief engi-
neer.

§ 76. It shall be the duty of the chief engineer to be present at fires of buildings, and take command of the fire companies, and the general control of the apparatus for extinguishment of fires.

Assistant
engineer.

§ 77. The assistant engineer shall aid the chief engineer at all fires, and in the absence of the chief engineer the duties and powers of the office shall be exercised by the assistant engineer.

Tax to
procure fire
engines.

§ 78. After the legal voters of said village shall have, pursuant to law, voted to raise by tax a sufficient sum to procure a fire engine or engines, and the necessary apparatus, the trustees shall have power to organize fire companies in said village, under such rules and regulations as the said trustees shall prescribe; and in their discretion to permit the formation of such fire companies in the first instance, by voluntary association of thirty or more inhabitants of said village in each company, under the direction, and subject to the approval and control of the said trustees.

Firemen.

§ 79. The firemen shall be appointed, and vacancies filled in the different companies of the fire department in said village by the trustees, upon nomination by a majority of the company in which such appointment is made or vacancy filled. The trustees may withhold and refuse such appointment, if, in their judgment, the person thus nominated ought not to be appointed.

Hook and
ladder
companies.

§ 80. The trustees shall have power, in their discretion, to organize hook and ladder or hose companies,

and to disband such, and such fire companies as they may deem unnecessary, or such as may prove refractory and unwilling to obey the lawful orders of the trustees.

§ 81. The members of the different companies composing the fire department of said village shall, annually, and at such time or times, and in such manner as the trustees shall designate, vote for a chief engineer and assistant engineer of the fire department of said village; and each person who shall receive the highest number of votes for such offices shall be appointed thereto by the trustees, unless in their* judgment he ought not, for any cause, to be thus appointed. In case such nomination shall not be ratified by the trustees, they shall order a new election, and at such new election the person or persons thus rejected shall be ineligible, and all votes given for him at such new election shall be void.

Members of fire department to vote for chief engineer, &c.

§ 82. Any officer or member of the fire department may be removed by the board of trustees for incapacity, neglect of duty, misconduct or intemperance, after giving him five days' notice to show cause against such removal, and an opportunity of being heard in his defense, and in the meantime they may suspend him without notice.

Trustees may remove firemen.

§ 83. The fire wardens shall, from time to time, examine the fire engines, fire buckets, and other apparatus for extinguishing fires in said village, and report their condition to the trustees; they shall attend such fires and give directions in respect to the manner of extinguishing the same; and it shall be the duty of all persons who shall be required to assist in extinguishing such fires, to obey such directions; they may, in the daytime, enter any building in such village in which there shall be a fire place, stove or stove pipe, for the purpose of examining the same; they may also, in the daytime, enter upon any premises in such village for the purpose of ascertaining whether ashes are safely kept thereon; and if they shall find any fire place, stove, stove pipe, or place of keeping ashes, unsafe, they shall report the same to the trustees.

Fire wardens.

§ 84. The trustees may pass such ordinances for the government of fire, hook and ladder or hose companies as they shall deem proper, not inconsistent with the

Ordinances for government of fire department.

* So in original.

laws of this state or the United States, and may enforce such ordinances by penalties not exceeding twenty dollars, for any offense, to be sued for in the name of and recovered for the use of said village.

Fines, &c.

§ 85. All fines, forfeitures and penalties, and all moneys received for licenses, under section forty-seven of this,* unless otherwise provided by this act, shall be paid to the treasurer, and may be applied by the trustees to any purpose consistent with this act.

Original
book of
record.

§ 86. The original book of records of said village may be read in evidence in all courts, and in all judicial proceedings, as evidence of anything therein contained, and required to be recorded therein, and an exemplification or certified copy under the hand of the clerk, and the seal of said corporation, of any part of such records, or any paper instrument, warrant, roll or other thing required to be filed in his office, may be read in evidence with the same effect as the original, in all courts and judicial proceedings in this state.

Actions to
recover
penalty.

§ 87. All actions brought to recover any penalty or forfeiture for the violation of any village ordinance, by-law, rule or regulation imposed by said village corporation, shall be brought in the name of the corporation, and the first process in any such action may be by summons or warrant, and execution may issue immediately on the rendition of judgment. If the defendant in any such action has * goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in the jail of the county in which such village may be situated, for a term not exceeding thirty days; and no person shall be an incompetent judge, justice, juror or witness in any action in which the said village is a party or is interested by reason of his being an inhabitant or owner of personal or real estate therein.

Complaint,
how made.

§ 88. In any action brought to recover a penalty for the violation of any provision of this act, or of any by-law, regulation or ordinance of said village, it shall only be necessary to state in the complaint, the section of this act, or the title and section of the by-law, regulation or ordinance alleged to be violated, the time of its adoption,

* So in original.

and the amount of the penalty claimed, and any other fact may be given in evidence without being stated in the complaint. The process for the commencement of any such action, shall have an indorsement thereon, to the effect that it is issued to enforce a penalty imposed in accordance with the provisions of the act incorporating the village of Lancaster, and no other indorsement thereon shall be necessary.

§ 89. Three trustees shall constitute a quorum for the transaction of business, except when herein otherwise provided. The vote or assent of a majority of the members present at any meeting of the trustees, when there is a quorum present, shall render valid any resolution adopted, act done, or business transacted at such meeting, except when herein otherwise provided.

Quorum of trustees.

§ 90. Whenever the word "trustees" occurs in this act (except in sections four and five), in referring to any act to be done by them, it shall be construed to mean a majority of the trustees, or a quorum sufficient for the transaction of business. The word "trustee," when it occurs in this act, shall be deemed to include the president.

"Trustees," word occurring.

§ 91. All resignations of any officers under this act shall be made to the trustees, subject to their acceptance.

§ 92. All oaths or affidavits which are required or authorized by this act, may be taken before the president of said village or the clerk thereof; but the said president or clerk shall not be entitled to receive any fee for administering such oath.

Oath and affidavits.

§ 93. All proceedings or provisions relative to the incorporation of said village, inconsistent with this act, are hereby repealed; but such repeal shall not affect any act done, privilege granted, or right secured or established, or claim against said village, or any suit, proceeding or prosecution had or commenced previous to the time when such repeal shall take effect. All by-laws, ordinances or regulations now in force in the said village, and not inconsistent with this act, shall continue in full force until they shall be altered, modified or repealed by the trustees, under and by virtue of this act.

Repeal of other acts.

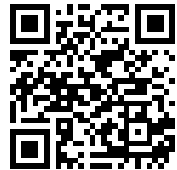
§ 94. The trustees shall receive for their services, while performing the duties of commissioners of high-

Compensation of trustees as com-

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ORDINANCES

OF THE

MAYOR, ALDERMEN AND COMMONALTY

OF THE

CITY OF NEW YORK.

REVISED A. D. 1859.

BY D. T. VALENTINE.

ADOPTED BY THE COMMON COUNCIL, AND PUBLISHED BY THEIR AUTHORITY.

NEW YORK:

CHAS. W. BAKER, PRINTER, 29 BEEKMAN STREET.

1859.

ENTERED according to act of Congress in the year 1859, in behalf of the Corporation of the city of New York

BY D. T. VALENTINE,

In the Clerk's office of the Southern District Court of the State of New York.

CHAPTER XIII.

OF THE FIRING OF FIRE-ARMS, CANNONS AND FIREWORKS.

Firing on the
Battery.

§ 1. Every cannon or piece of artillery that shall hereafter be discharged or fired off upon the Battery, shall be placed at the easterly end thereof, as near to the flagstaff as practicable, and in the immediate rear of the paved walk fronting the water, and shall be ranged and pointed in the direction and toward Governor's Island.

Ibid.

§ 2. No cannon or piece of artillery shall be discharged or fired off upon the Battery, except at the place, and ranging in the manner provided in the first section of this chapter.

Firing at Cas-
tle Garden.

§ 3. No cannon or piece of artillery shall be discharged or fired off upon the premises of Castle Clinton or Garden, except on the westerly side thereof; and the same shall only be discharged or fired off in the direction and toward the westerly shore of the Hudson river.

Firing in the
Parks.

§ 4. No cannon or piece of artillery shall be discharged or fired off in the Park (except on the Fourth day of July, and then only cannon not over six pounds calibre) Washington square, or Union square, nor in any street, lane, avenue, or public place in the city of New York, south of Twenty-third street, except as is provided in the foregoing sections of this chapter.

Penalties.

§ 5. Any person or persons, commander or other officer, or private of any artillery or other military company, troop of horse, corps, regiment, battalion, brigade or division, who shall violate any or either of the provisions of this chapter of these ordinances, or shall cause or permit the same to be done, shall severally forfeit and pay the

sum of fifty dollars for each discharge or firing off of any piece of artillery, to be paid into the city treasury for the use of the city.

§ 6. No tavern-keeper, keeper of a public house, garden ^{Firing arms on Sundays.} or place of resort, nor any other person, shall suffer or permit any person to practice with or fire off any pistol, gun, fowling-piece or other fire-arms, in or upon his or her premises, nor shall suffer or permit any pistol gallery, erected in his or her house, or upon his or her premises, to be used for the purpose of practicing with any pistol gun, fowling-piece or other fire-arms, upon the first day of the week, called Sunday, under the penalty of fifty dollars for each offense, to be sued for and recovered from the person keeping such public house, tavern, public garden, pistol gallery, place of resort or premises; and also the further penalty of fifty dollars for each offense, to be sued for and recovered from the person firing off or practicing with a pistol, gun, fowling-piece or other fire-arms; and in case such person so offending shall be an apprentice, such penalty shall be sued for and recovered from the master of such apprentice, or in case such person so offending shall be a minor and not an apprentice, the same shall be sued for and recovered from the father of, or in case of the death of the father, then from the mother or guardian of such minor.

§ 7. No person shall fire, discharge or set off in the city ^{Firing Fire-works.} of New York, any rocket, cracker, torpedo, squib, balloon, or other fireworks, or thing containing any substance in a state of combustion, under the penalty of five dollars for each offense.

§ 8. No person shall sell, or expose for sale, nor fire, ^{Selling and firing certain fire-works.} discharge or set off, in the city of New York, any fire-

works called or known by the name of "snakes," or "chasers," or any fireworks called or known by the name of "double-headers," nor any fireworks under any other name, composed of the same material and of the same character of those fireworks specified in this section, under the penalty of fifty dollars for each offense, to be sued for and recovered of the person selling or exposing the same for sale, firing off or discharging the same. And in case such person shall be an apprentice, such penalty shall be sued for, and recovered of and from the master of such apprentice. In case such person shall be a minor, and not an apprentice, the same shall be sued for, and recovered of, and from the father, or in case of the death of the father, then of and from the mother or guardian of such minor.

Firing arms
within the
city.

§ 9. No person shall fire or discharge any gun, pistol, fowling-piece or other fire-arms in the city of New York, under the penalty of ten dollars for each offense.



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L A W S
OF THE
STATE OF NEW YORK

PASSED AT THE
EIGHTY-THIRD SESSION

OF THE
LEGISLATURE,

BEGUN JANUARY THIRD, AND ENDED APRIL SEVENTEENTH, 1860, IN THE
CITY OF ALBANY.



ALBANY:
WEED, PARSONS AND COMPANY.
1860.

Chap. 223.

AN ACT for the preservation of birds and small game upon and around the shores of Luzerne lake.

Passed April 10, 1860; three-fifths being present.

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

Game, &c.,
on Luzerne
lake to be
preserved.

SECTION 1. No person shall kill or shoot any game or birds upon the waters of Luzerne lake, in the town of Luzerne, and county of Warren, or upon the shores thereof, nor shall any person fire any gun or pistol upon the said lake, or upon the shores or lands within twenty-five rods of the same.

Penalty.

§ 2. Whoever shall offend against the provisions of this act, shall, for each offense, forfeit the sum of ten dollars.

Penalties,
how col-
lected.

§ 3. All penalties imposed by this act may be sued for and recovered with the costs of such suit, before any justice of the peace of the county of Warren, by or in the name of any person making complaint thereof, or by one of the overseers of the poor of the town where such offense shall be committed; and if sued for in the name of any such overseer, the penalty, when collected, shall be paid, one-half to the complainant and one-half to the overseer, for the use of the poor of the town. If sued in the name of the complainant, he shall give satisfactory security, at the time of the commencement of the action, for the payment of all costs in the event of failure to recover, and judgment therefor, when recovered, shall belong to and be payable to said complainant.

§ 4. The provisions of section one hundred and forty-three, of title four, chapter two, part third, of the Revised Statutes, shall be applicable to any offense committed against the provisions of this act.

§ 5. This act shall take effect immediately.



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L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE
NINETY-FIRST SESSION

OF THE
LEGISLATURE,

BEGUN JANUARY SEVENTH, AND ENDED MAY SIXTH, 1868,
IN THE CITY OF ALBANY.

VOL. II.



BANKS & BROTHERS, LAW PUBLISHERS,
NEW YORK: | ALBANY:
NO. 144 NASSAU STREET. | NO. 475 BROADWAY.
1868.

Chap. 776.

AN ACT to vest certain real estate belonging to the State, in the town of Marlborough, Ulster county, and to establish a public highway.

Passed May 9, 1868.

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

SECTION 1. The commissioners of highways of the town of Marlborough, in the county of Ulster, are authorized and directed to lay out a public highway, beginning at a point in the highway leading to Sand's dock, in the said town of Marlborough; thence by the most practicable route along the Hudson river to a point in the center of the highway leading to Handley's dock, in the village of Milton, in said town of Marlborough, and the right, title and interest of the State in so much of said lands as may be necessary for the purposes of said highway is hereby vested in the said town of Marlborough for road purposes.

Commissioners of highways to lay out highways.

Route of road.

Title of state, to lands, to vest in town.

§ 2. The said highway shall be laid out, opened and worked by the said commissioners of highways in the same manner now provided by law for laying out and opening public highways in the several towns of this State; except the same shall be of the width of three rods, and that the expense to the tax payers of said town for grading shall not exceed five hundred dollars; and said highway shall be laid out and worked in twelve months from the passage of this act.

Opening of highway, and expense thereof.

§ 3. This act shall take effect immediately.

Chap. 777.

AN ACT for the regulation of public cemeteries in Saratoga county.

Passed May 9, 1868; three-fifths being present.

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

SECTION 1. All cemeteries, grave yards and burying grounds, or other places, in Saratoga county, used or

Public burial places.

occupied, or which have been commonly used or occupied for the burial of the dead, which are public and common, and not situated within the bounds of any incorporated city, and not belonging to, or in the charge of any incorporated cemetery association, church, or other incorporated body, and not being private or individual property, are hereby deemed and declared to be dedicated to public use as burial places for the dead, and shall not be used or occupied for any other object or purpose, provided, however, that the trustees of the village of Stillwater in said county, may remove the remains of all persons interred in the cemetery in said village upon the lands belonging to the estate of Ephraim Newland deceased, to some other cemetery near said village, upon condition that all monuments and grave stones marking the graves of all persons therein interred, and re-erecting them at the graves to which such remains may be removed.

Trustees of Stillwater may remove remains interred in village cemetery.

To re-erect monuments and grave-stones.

Incorporated cemetery associations may vote to place their cemeteries under care of village trustees.

§ 2. Whenever any incorporated cemetery association in said county shall abandon its incorporation, or shall vote to place any such cemetery association, by a vote of at least two-thirds of the trustees thereof in its favor, to place the same under the care of the town board of trustees, or the board of trustees of any incorporated village where such cemetery is located, such cemetery shall be taken in charge by the trustees of such town or village in the manner and to the same extent as provided in this act in regard to other cemeteries.

Power of village trustees over cemeteries wholly or in part within villages.

§ 3. When any such cemetery shall lie, wholly or in part, within the bounds of any incorporated village, it shall be the duty of the board of trustees of said village, and they are hereby authorized and required to take the exclusive charge and custody of the same, and regulate the interment of the dead therein, and prevent the removal of the remains of any person therefrom, or the disturbance of such remains, except by the consent of said board; to put and keep the said cemetery, its appurtenances, fixtures, fences and buildings in suitable and good condition, order and repair, and appoint a superintendent thereof for and during the pleasure of said board, and audit the compensation of such person, and the other charges and expenses of executing the

powers and performing the duties imposed by this act ; and the amounts so audited are to be certified and paid in the same manner as other village contingent charges ; and to pass ordinances for such purposes, and enforce the same by penalties not exceeding fifty dollars for each offense.

§ 4. It shall be the duty of the superintendent of every cemetery aforesaid, before entering upon the duties of his office, and within ten days after notice of his appointment, to take and file with the town clerk, if appointed by the board of town auditors, and with the village clerk, if appointed by a board of trustees, the constitutional oath of office. It shall also be his duty, in a suitable bound blank book, to register every interment in said cemetery, entering the name, age, sex, place of birth, and the disease or other cause of death, and the number or other description of the location of the remains. He shall also cause the said cemetery to be put and kept in order, and all weeds and grass to be cut down at least twice each year, once in July and once in September, and shall execute the general provisions of this act by and under the direction of the board by which he was appointed.

Superintendents of cemeteries to file constitutional oath of office.

To keep register of interments.

What to contain.

Cemeteries to be kept in order.

§ 5. When such cemetery or burial grounds, as mentioned in the first section of this act, shall lie wholly without the bounds of any incorporated village, it shall be the duty of the board of town auditors of the town wherein the same shall lie, and they are hereby authorized and required to take the exclusive charge and custody of the same, and exercise the like powers in relation thereto, as are conferred upon boards of trustees of villages by the second section of this act, and shall have the same powers to appoint a superintendent, audit his compensation and the other charges and expenses of executing the powers and performing the duties imposed by this act ; and the amounts so audited, to be collected and paid in the same manner as other town charges.

Boards of town auditors to take charge of cemeteries outside of villages.

Appointment of superintendent, etc.

§ 6. It shall be lawful for the taxpaying voters of any incorporated village, whose names are on the last preceding tax roll in such village, at any annual meeting, or at any special meeting duly called for that purpose, and for the taxpaying electors of any town, whose names are

Taxpayers in towns and villages may raise money to enlarge cemeteries.

on the last preceding tax roll of such town, at any annual town meeting, or at any special town meeting, duly called for that purpose, by a vote of a majority, to raise such sum as shall be deemed necessary, by said meetings severally, for the purpose of enlarging the said cemeteries or executing any of the other powers or duties hereinbefore specified. All sums so ordered to be raised at any town meetings, shall be certified to the board of supervisors, and the amount therein specified raised by tax on said towns in the same manner as other sums ordered to be raised at town meetings, and shall be expended by and under the direction of the board of town auditors of such town, for the purposes for which the same was raised. All sums so ordered to be raised at any village meeting, shall be raised and collected by tax on the real and personal estate subject to taxation in said village, and shall be expended by and under the direction of the board of trustees of said village, for the purpose for which the same was raised.

Tax to be levied upon towns or villages.

Town auditors to make annual report of audits for cemeteries to town meeting.

§ 7. It shall be the duty of the board of town auditors of any town in which any cemetery is situated, subject to the custody of said board under this act, at every annual town meeting, to make a report in writing, under the hands of said board, stating the amount and object in detail, of the expenditures audited by said board, since the last annual report and up to the time of such meeting, for the cemetery or cemeteries in said town.

Village trustees to make like report to village meeting.

§ 8. It shall be the duty of the board of trustees of any incorporated village, in which any cemetery is situated, subject to the custody of said board, under the provisions of this act, at every annual village meeting, to make a like report as to such cemetery or cemeteries, as is required of boards of town auditors under the fifth section of this act.

Towns or villages to purchase lands for enlargement of cemeteries.

§ 9. In case it shall be deemed necessary, by any town or village, to enlarge any cemetery therein, and such town or village shall pass the resolution authorized by this act, it shall and may be lawful for the board in whose custody the said cemeteries may be, to purchase the lands necessary for such purpose, and take a conveyance thereof, if located in a village, to said village by its corporate name, and if in a town, and without the bounds of any village, then such conveyance shall be to

said town. And no cemetery or any part thereof held, taken or purchased under the provisions of this act, shall be mortgaged, conveyed or otherwise disposed of, by the board in whose custody the same shall be, or by any other party or corporation, and the same shall be forever free and exempt from any tax or execution.

Cemeteries not to be mortgaged.

To be free from tax.

§ 10. Nothing in this act contained, shall authorize any board having the custody of any cemetery, under the provisions hereof, to remove or disturb the remains of any person buried therein, nor shall it be lawful for them so to do. And in assigning places for sepulture, it shall be their duty to designate the same in such locations as will not interfere with the remains of those previously buried; nor shall it be lawful for said board to interfere with any lot or vault or other receptacle for the burial of the dead within the bounds of said cemetery, which shall be the private and individual property of any person or persons: provided that nothing in this act contained, shall prevent the said board from doing such acts as shall be absolutely necessary to keep the said cemetery and the buildings, fixtures and fences therein in good order and condition.

Duty of board having custody of cemeteries as to interments and disinterments.

Private vaults, etc., not to be interfered with.

§ 11. It shall be unlawful to suffer any cattle, horses, swine, sheep, dogs, geese or turkeys to trespass, run at large, or pasture, within the bounds of any cemetery specified in this act. And the owner of any such animal so found within said cemetery, shall be liable to a penalty of ten dollars for each horse or other animal, and one dollar for every goose or turkey, and treble damages for any injuries done by such trespass or running at large within said cemetery, to the grounds or any monument or other fixture therein, to be recovered, with treble costs, of such owner.

Animals not to run at large in such cemeteries.

Penalty to be collected of owners for violations thereof.

§ 12. It shall and may be lawful for any town or village having one or more cemeteries as aforesaid, instead of having the same placed in the custody of the board of trustees when situated in an incorporated village aforesaid, or in the custody of the board of town auditors when situated without the bounds of any such village, to place the same in the custody and under the control of an incorporated cemetery association; provided, such town or village, as the case may be, at an annual meeting or at a special meeting called for that purpose, by a

When cemeteries may be placed in control of incorporated cemetery association.

vote of a majority of the votes of the voters or electors of such town or village as above provided present and voting at said meeting, shall authorize the same, and an incorporated cemetery association shall have been created or shall then exist within said town or village willing to accept and which shall accept such grant, or said grant being so accepted, the said association shall be charged with and may exercise all the powers and shall be charged with all the duties imposed by this act on the board of auditors or of trustees, as the case may be, and shall make the like report to the proper annual town or village meeting, and audit the expenses and certify the amount, and do all the other acts hereinbefore specified, and with the same effect in all respects as if done by said several boards.

Reports of cemetery associations.

Cemeteries may receive money in trust for repairs or improvements.

Money so received; how to be invested.

Penalty for misapplication or breach of trust.

Penalty for injury to monuments, trees, plants, etc.

§ 13. It shall be lawful for any board or cemetery association having the custody of any cemetery as aforesaid, to take and receive, by gift, grant or devise, any money or property in trust, for the general improvement or repairs of such cemetery, or for the improvement, repairs or keeping in order any particular portion thereof, or the erection of any monument thereon, or for the keeping the same in good order and condition. Any money or property so granted, given or devised, shall be kept safely invested in stocks of this State or the United States, or in real estate, and the entire proceeds annually applied to the trust purposes for which the same was given, granted or devised. Any member of said board or association guilty of any misapplication of such trust funds, or breach of trust, or other act in relation thereto contrary to the provisions of this section, shall be deemed guilty of a misdemeanor, and be liable also to a penalty of fifty dollars, and twice the amount of all damages or losses to said funds by such act or omission.

§ 14. It shall not be lawful for any person to wantonly, willfully, intentionally or maliciously mutilate, injure, mark, deface, defile, remove or destroy any gravestone, tomb, monument, building, structure, fence or fixture, or cut, break, destroy, girdle or injure any tree, shrub or plant within such cemetery, and the violation of this section is hereby declared a misdemeanor, and the offender shall also be subject to a penalty of twenty-five

dollars for each offence, and also treble the actual damages arising from such act.

§ 15. It shall be unlawful for any person, within any cemetery aforesaid, to kill, wound, catch or take any bird, or remove or destroy any bird's nest, or remove the eggs or the young birds therefrom; nor to fire off any gun, musket, rifle or other thing containing powder; nor to play at any games, sports or pastimes; nor to run or race or drive or ride any horse faster than a walk; nor to leave unfastened and unattended any horse; nor to ride or drive on or over any grave. The violation of this section shall subject the offender to a penalty of ten dollars.

Penalty for firing guns or killing birds.

Racing of horses and games prohibited in cemeteries.

§ 16. Any penalty or damages imposed by or recoverable under the provisions of this act, may be sued for in any court having jurisdiction thereof, if for an offense or other act, or cause of action arising or committed in a cemetery in the custody of the board of trustees of any incorporated village, by the board of trustees, in the corporate name, of said village; if in a cemetery in the custody of any board of town auditors, by the said board, in the name of said town, and if a recovery is had it shall be with costs. And all damages and penalties recovered under the provisions of this act shall be applied exclusively: first, to the restoration or repair of the cemetery grounds, or other things injured or damaged, and the residue thereof to the general improvement and repairs of said cemetery.

Penalties or damages; how recoverable.

Penalties; how to be applied.

§ 17. Nothing in this act contained shall affect the provisions of sections thirteen, fourteen and fifteen of title five, chapter first, of part four of the Revised Statutes.

Provision concerning desecration of graves, etc.

§ 18. The expenses incurred in the care of cemeteries in said county, under the provisions of this act, shall not be audited by the town auditors therein, unless the citizens of the town by a vote at their annual town meeting shall have voted to tax themselves for the care of cemeteries; and the members of any church organization which supports cemeteries shall be exempt from such tax.

When town auditors may audit expenses for care of cemeteries.

Exemption from tax.

§ 19. This act shall take effect immediately.



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L A W S
OF THE
STATE OF NEW YORK,
PASSED AT THE
NINETY-SIXTH SESSION
OF THE
LEGISLATURE.

BEGUN JANUARY SEVENTH AND ENDED MAY THIRTIETH, 1873,
IN THE CITY OF ALBANY.



ALBANY:
WEED, PARSONS AND COMPANY, PRINTERS.
1873.

Renewal
of war-
rant.

and clerk of the said corporation, which taxes shall be collected and the warrant returned to the said trustees within thirty days from the date thereof. The president may renew said warrant from time to time as he may think proper.

§ 2. This act shall take effect immediately.

CHAP. 330.

AN ACT to amend the charter of the village of Deposit, situated partly in the town of Sanford, Broome county, and partly in the town of Tompkins, Delaware county, and to revise and compile the several acts relative to said village.

PASSED April 29, 1873 ; three-fifths being present.

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

TITLE I.

BOUNDARIES.

Bounda-
ries.

SECTION 1. The boundaries of the village of Deposit shall remain as heretofore, to wit: Beginning at a stake standing on the north-east corner of Zenas K. Dean's farm, on the line of property; thence north eighty-four degrees fifty minutes west, fifty-nine chains along an old line (the north bounds of said Dean's farm), to the end of a stone wall at his north-west corner; thence south five degrees ten minutes west along an old line forty-eight chains to a post; thence north eighty-five degrees west two chains fifty links to a post; thence south five degrees ten minutes west ten chains and fifty links to a post; thence south eighty-five degrees east two chains and fifty links to a post; thence, continued on the aforesaid old line, eighteen chains to a post and stones; thence south eighty-four degrees fifty minutes east eighty-nine chains to a post and stones; thence north thirty-one degrees, thirty minutes east, seventy-six chains to a post standing in the northerly line of Henry Peters' farm; thence north fifty-four degrees, thirty minutes west along an old line twenty chains and fifty links to a point in the Delaware river; thence north eighty-four degrees, fifty minutes west, forty-six chains to the place of beginning, containing eight hundred and twenty-six acres; that is to say, four hundred acres in the town of Sanford, Broome county, and four hundred and twenty-six acres in the town of Tompkins, Delaware county. And the territory included in said boundaries shall constitute and continue to be known as the village of Deposit; and the inhabitants residing therein shall continue to constitute, and are hereby declared to be, a body politic and corporate by the name of The Village of Deposit, and as such shall have perpetual succession, may sue and be sued, complain and defend in any court of law or equity; may take, hold, purchase and convey real and personal estate, as the purposes of such corporation may require; adopt and use a common seal, and alter the same at pleasure, and may exercise such other powers as are, or may be conferred by law, or as shall be necessary to carry the powers conferred on such corporation into effect; and the said corporation is hereby declared to be invested with all the estates and property, real and personal, rights, privileges and immunities which, at the time of the passage of this act, did belong and appertain to said village and corporation. And the several persons elected to the respective offices

Corporate
name and
powers.

of trustee, clerk, treasurer, collector, assessors, fire wardens, street commissioner and pound master, at the annual election held for said village on the first Tuesday of March, eighteen hundred and seventy-three, shall respectively hold said offices until the first Tuesday of March, eighteen hundred and seventy-four, and in the mean time the said trustees shall possess and exercise the powers, and perform the duties and be subject to the liabilities and restrictions of the village board, and also of trustees under this act, except that they shall not act as assessors. The said clerk, treasurer, collector, assessor and street commissioner shall respectively also possess and exercise the powers, and perform the duties, and be subject to the liability and restrictions conferred and imposed on like officers respectively by this act.

Officers elected at last election to hold till first Tuesday of March, 1874.

TITLE II.

ELECTION OF OFFICERS, THEIR POWERS AND DUTIES.

SECTION 1. The officers of said village shall, after the first Tuesday of March, eighteen hundred and seventy-four, consist of a president, four trustees, one treasurer, one clerk, one collector, one street commissioner; one police justice and one police constable. The offices of president, trustees, treasurer, police justice and collector shall be elective; the street commissioner, clerk and the police constable shall severally be annually appointed by the village board. The president shall also have power to appoint such number of special temporary policemen for special occasions as he shall deem requisite and necessary, who shall severally hold such office for not to exceed ten days at a time. Each of said officers, except the trustees and special policemen, shall hold his office and perform the duties thereof until the first Tuesday of March next, after his election or appointment as the case may be, and until another shall be elected or appointed, as the case may be, in his place. The trustees shall hold their office and perform the duties thereof for two years from the first Tuesday of March of the year in which they shall be elected, and until others shall be elected and qualify in their places, except that at the first election to be held the first Tuesday of March, eighteen hundred and seventy-four, two of the trustees to be designated by the voters on their ballots shall be elected for one year only, and thereafter at each annual election, or in default of an annual election, then at a special election, but two trustees shall be elected.

Officers.

Special policemen.

Term of office.

§ 2. The treasurer, clerk, the street commissioner, the police constable and the special policemen, when not otherwise provided for, shall have and receive such compensation for their services respectively as shall have been fixed by the village board. The other village officers, except the collector, and trustees when acting as assessors shall serve without pay. The collector shall have for his services the fees hereinafter prescribed for the collector of the village taxes. The trustees, when acting as assessors, shall have two dollars per day, for each day actually engaged as such. The police justice shall have fees as prescribed in section one, title four, of this act, where fees are prescribed by law, and where not prescribed by law such fees as shall be allowed by the village board.

Compensation of officers.

§ 3. Any elector of the village shall be eligible to any village office created by this act.

§ 4. On the first Tuesday of March, eighteen hundred and seventy-four, and annually thereafter on the first Tuesday of March, a meeting to fill the elective offices of the village shall be held therein, at which,

Annual election.

and at any subsequent meetings, proposals for raising money by tax for the purposes of the village, may be also submitted for adoption or rejection. Public notice of the time and place of holding such meeting, containing also a statement of the amount of money proposed by the village board to be raised. If any, and the particular object or objects to which the same shall be applied, shall be given, by posting the same in six conspicuous and public places in said village, or by publishing the same in a newspaper in said village, at least two weeks previous to the time said meeting shall be held. Such election shall be by ballot. The inhabitants of such village, entitled to vote for town officers at town meetings, shall each be entitled to cast one vote respectively for each office to be filled at such or any election. But no such inhabitant shall be entitled to vote on any proposition to raise money, unless he shall be also a tax payer on property in said village. Each elector voting on any question to raise money pursuant to this act shall, in the ballot cast by him, indicate which particular proposition or propositions he favors, and which he opposes. The present trustees of said village shall be inspectors of election, and shall preside and act as such at the meeting to be held on the first Tuesday of March, eighteen hundred and seventy-four, and thereafter the president and trustees (officers under this act) shall preside, and discharge the duties of inspectors at such meetings; and immediately on the closing of the polls at any election, the inspectors shall, without adjourning, proceed publicly to canvass the votes and declare the result, and make, subscribe and deliver to the clerk of the village a certificate showing the several officers elected, and the particular measures or propositions, for raising money or otherwise, adopted by the meeting. The persons eligible and having the greatest number of votes for any office shall be declared elected to such office. In case of a tie for any officer, the inspectors shall forthwith, and before making their certificate of the result, determine by lot, publicly, which shall be deemed elected, and shall set forth the result in their certificate.

Notice of. The polls at any election shall be opened at nine o'clock in the forenoon, and shall be closed at four o'clock in the afternoon. If for any cause an annual election shall not be held, then the president and trustees, or a majority of them, shall call a special meeting for the election of the elective officers, for which the same notice shall be given as for an annual meeting, and the election shall be held, presided over, and conducted in the same manner as an annual election.

Qualifications of electors. And in case the president and trustees, or a majority of them, shall, for ten days after the time the annual election should have been held, omit or neglect to give such notice of such special meeting, then and in such case any five of the tax-paying voters of said village shall have power to call such special meeting, and they shall give the same notice as is required to be given for, and the meeting shall be held in the same manner as an annual meeting, except that the persons calling such meeting shall preside thereat, and shall perform the duties, have the powers and be subject to the liabilities of inspectors of election thereat, and shall make, subscribe and deliver to the clerk of the village their certificate of the election, in the same manner as is required of inspectors in other cases, and every election so held shall be as valid and shall have the same force and effect as an annual election. Special meetings, for the purpose of voting on propositions submitted by the village board to raise money for village purposes, may also be held at any time in any year after the first Tuesday of March, eighteen hundred and seventy-four, on a like

Inspection.

In case of tie.

Polls.

In case of failure to hold annual election; special election, how called.

Special meetings to vote tax.

notice by the president and trustees, or a majority of them, which notice shall also specify the amount proposed to be raised and the particular object to which the same shall be applied. Such meeting to be also held, presided over and conducted in the same manner as an annual meeting, by the president and trustees; provided, however, that no one not a tax-paying voter shall be entitled to vote thereat. At any election held in such village, the persons acting as inspectors shall have the powers of town boards at elections for town officers, and all the laws applicable to such town elections shall apply to any election, and to any meeting to vote on the question of raising money, held in said village, so far as the same are applicable to the provisions of this act and not inconsistent therewith. The money raised by the direction of any meeting of the village authorized by this act shall be applied to no other purpose or object than that specified in the call for the meeting.

Powers of inspectors.

§ 5. Each of the officers of the village, before entering on the duties of his office, shall take and subscribe an oath before any person authorized to administer oaths to support the constitution of the United States, the constitution of the State of New York, and to faithfully perform the duties pertaining to his office, which oaths shall be filed with, preserved and kept by the clerk.

Official oath.

§ 6. The treasurer, collector and street commissioner shall also, before entering on their respective duties, severally execute to the village a bond, in such form and penalty, and with such surety or sureties, as shall be approved by the president, for the safe keeping and proper application of the moneys of the village to be received and paid out by them, respectively, and for the rendering of a true account thereof to the village board, at the times required by this act and before the annual meeting each year, and for the paying over to his successor in office the balance remaining in his hands, which bond shall also be filed with, preserved and kept by the clerk.

Official bonds.

7. The president and trustees shall constitute the village board. The president shall be president of said board, and shall preside at its meetings, if present, and be entitled to vote upon and discuss any question which shall come before it. If, however, he shall be unable to perform the duties of his office, the other members of the board shall appoint one of their number to act in his place and stead, and the person so selected shall have all the powers and perform all the duties of the president of the village until the president shall resume his office or the vacancy be filled according to this act. In addition to his duties as a member of the village board, it shall be the duty of the president to see that the by-laws, rules and ordinances of the village and the provisions of this act are enforced. He shall maintain peace and good order in the village; and shall have the power, and it shall be his duty, to direct the police constable and policemen in the discharge of their official duties, and shall have personal supervision over the affairs of the village, cause to be brought or defended whatever actions, in law or equity, shall be ordered to be brought or defended by the village board, including actions for fines and penalties, and on the official bond executed by village officers. He shall draw all orders on the treasurer for bills and demands audited and allowed by a resolution of the village board, and shall specify thereon, the fund out of which the same shall be paid. He shall, in behalf of the village, and when authorized by the board, execute all deeds, leases and contracts to be executed as the act of the village. He shall also report in writing, and file the same with the clerk three weeks before the annual meeting of the

Village board.

Duties of president.

To report financial condition of village.

village for the election of officers, the condition of the village as to its general affairs, and particularly as to its financial affairs, showing among other things, the number of days' work laid out, the amount of money received and expended by the street commissioner, and the deficiency of highway labor unworked and not commuted for, and against whom, and the amount of money received in the treasury and from what source derived, the amount expended and for what purpose, giving the details of the expenditures, and for what objects during the then preceding year, and shall present an estimate of the expenses needed for the then ensuing year, and the objects for which the same are required, distinctly specifying each of said objects severally, and the amount for each. Which report shall be filed and remain with the clerk subject to examination by any elector of said village. He shall also see that the requisite bonds, in sufficient penalty and with sufficient sureties, are executed by the officers required to give the same.

Duties of
treasurer.

§ 8. The treasurer shall receive and pay out all the moneys belonging to the village, except what shall be received by the street commissioner for commutations for highway labor, and shall keep an account of the same. He shall not pay out any money except on the written order of the then acting president, drawn pursuant to, and authorized by, a resolution of the board, and only out of the fund specified in the order. The books and entries of the treasurer shall be open for inspection by any elector of the village at all reasonable hours. He shall make a written report to the village board, on or before the first Tuesday of February in each year, of the condition of the treasury, a detailed statement of the moneys received, and also a detailed statement of moneys paid out by him, to whom, and on what authority he paid the same, the then preceding year, and the balance, if any, remaining in the treasury.

Duties of
clerk.

§ 9. The clerk, under and subject to the direction of the village board, shall have the care and custody of the corporate seal, records and books (except the treasurer's book) and papers of the village. It shall be his duty to attend the meetings of the village board and also the annual and special meetings of the village and meetings of the trustees, when acting as assessor, and act as clerk of such meetings. He shall keep and record the minutes thereof, respectively, in a book to be procured and furnished to him by the board for that purpose. He shall also act as clerk at village elections, and shall keep a list of the voters thereat. He shall also carefully record the proceedings of the annual and special meeting of the village, furnished to him by the inspectors thereof, and all of the proceedings of said board and of said village meeting shall be carefully indexed for ready reference, and he shall countersign the tax warrants of the village board.

Of col-
lector.

§ 10. The collector shall collect and receive all taxes for which the warrant of the village board, subscribed by the president and countersigned by the clerk, shall be delivered to him, and within the time specified in such warrant, and shall pay the same into the hands of the treasurer without delay, and take his receipt for the same, and make return to the clerk of the amount of taxes collected by him and paid over to the treasurer, and of the particular taxes unpaid. The collector shall give a receipt to the clerk for the warrant delivered to him on his receiving the same. After receiving the tax roll, the collector shall post notices in five public places in the village, twelve days before the last three days specified in the notice, stating that he will attend at a convenient place specified in the notice in the village on each of the last three days specified in said notice, for the purpose of receiving

payment of taxes; and he shall attend at such times and place accordingly. Any person or corporation paying any tax or assessment within fifteen days from the date of the notice shall be charged with one per cent thereon for the fees of the collector, and no more. After the expiration of the fifteen days, the collector shall collect the taxes or assessments unpaid, with five per cent thereon for his fees, in the same manner as is now provided by law for the collection of town and county taxes, and for that purpose he is hereby vested with the same powers and authority, and shall be subject to the same liabilities as are conferred and imposed by law on collectors of taxes of towns.

Fees of.

§ 11. The street commissioner shall possess all the powers, and be subject to all the duties and penalties of overseers of highways of towns, subject to the direction and control of the board. He shall cause all the highway labor assessed in said village, or moneys commuted therefor, which he is hereby authorized to receive, to be performed, laid out and expended therein, in such manner, and in such places and in such proportions as the village board shall direct; and he shall, on or before the first Tuesday in February, in each year, and oftener if required by the said board, render a full account to said board, verified by oath of the number of days worked, and by whom, the number unworked and not commuted for, and the names of the delinquents, and the number of days each is delinquent, the amount of commutation money received by him, and from whom and to whom, and for what purpose, and in what amount the same was paid; and shall pay over to the treasurer without delay any moneys remaining in his hands, and take the treasurer's receipt therefor. He shall receive for his services and compensation such sum not exceeding two dollars per day as the village board shall fix upon and allow, payable out of the commutations for highway labor, if the same shall be sufficient. The deficiency, if any, to be paid out of the treasury.

Street commissioner.

Compensation of.

§ 12. The trustees shall be the assessors of the village, and they may appoint one or more of their number a committee to make out an assessment and assessment roll of the property in said village, subject to taxation therein. They shall have the same powers and be subject to the same liabilities and penalties as town assessors, and shall make their assessment roll in the same form, and be governed in their valuation of property by the same rule as town assessors, subject to the provisions of this act. They shall, if practicable, cause such assessment to be made in the month of March, each year, and the roll thereof to be completed by the first day of April in each year. On the completion of the said roll, and by the first Saturday of April in each year, if practicable, the trustees shall give notice by posting the same in at least five public places in the village, and also by publishing the same in a newspaper in said village, if there be one, stating that they have completed their assessment, and left the same with one of their number in said village, designating whom, and that the same will be open to inspection, at reasonable hours, on week days, for ten days thereafter, and that they will meet on a day after the expiration of the said ten days, to be designated also in said notice, at a place also to be designated in said notice, to review said assessment and to hear and consider complaints in regard thereto. The said roll shall be left as specified in said notice, and shall be open to inspection, as also in said notice specified, and during the time specified; and on the day, and at the time in said notice named for the review of said assessment, such trustees, or a majority of them, shall meet and hear, examine and consider, decide all complaints against said assessment, and shall make the same

Trustees to be assessors.

Assessment, when to be made.

Review of assessment.

conform to such decision, and thereupon shall certify in writing on said assessment roll, that the same is the corrected assessment roll of said village for that year, and the same shall be deposited with the clerk for safe keeping and future use, and the same, subject to such alterations as shall be required by a change in the ownership of the property included in it, shall be the basis on which taxes for village and highway or any other purposes, shall be assessed in said village, for the year ending at the next annual meeting of said village.

Appor-
tionment
of tax.

§ 13. The village board shall, as soon after the completion and correction of said assessment roll as may be, proceed to apportion among the persons, property and corporations on said roll, pro rata to the valuation of the property assessed to them respectively, the sum which said board, under the authority and subject to the limitations and restrictions of this act, shall have resolved to raise for village purposes, and also such other sum, if any, as shall have been directed to be raised at a village meeting pursuant to this act, and they shall also include in said tax roll the delinquent highway taxes at the rate of one dollar and fifty cents for each day delinquent, the same to be assessed and taxed to the delinquents severally, and not otherwise, on said roll, and for this purpose they shall make a tax roll, which shall consist of a copy of said corrected assessment roll with the amount of tax apportioned to each person and corporation therein, in the same form as tax rolls are required to be made by the board of supervisors of counties, and shall annex thereto a warrant, signed by the president and countersigned by the clerk, directed to the collector, commanding him to collect the taxes therein specified, with his fees, and return the said warrant and roll within sixty days after the date of the warrant, unless the time shall be extended; and the clerk shall deliver the same to said collector, and take his receipt therefor, as provided in this act. The village board may extend the time for the return of such warrant, thirty days beyond the first sixty days. Any subsequent sum or sums, which it shall be necessary to raise by tax in the same year, and which shall be authorized by this act, shall be assessed, levied and collected in the same manner as above provided.

Tax sale.

TITLE III.

POWERS AND DUTIES OF VILLAGE BOARD.

Meetings
of village
board, etc.

SECTION 1. The village board shall meet at such times and places as they shall by resolution direct. On the passage of resolutions to raise money, the ayes and nays shall be taken and recorded in the minutes, and votes on any question shall be taken by ayes and nays, whenever requested by the president or any member of the board, and shall be entered on the minutes.

Auditing
of ac-
counts.

§ 2. The board shall audit all accounts and demands against the village, but shall allow only what they shall deem just and reasonable, and specify on each the fund out of which the same is to be paid; but no claim or demand shall be audited unless the same be in writing, showing the nature thereof, and specifying the items, and be verified by the affidavit of the claimant, or of some other person, in the same manner as town and county accounts are now required by law to be verified. And no account, bill or claim against the village shall be paid unless audited as herein required. Neither the president nor any trustee shall vote on the auditing of any claim in which he has an

Special
meetings.

interest, direct or indirect. Special meetings of the board may be called by the president or by the clerk, on the written request of two

trustees, at such time and place as the written notice to be served on the trustees shall direct. The notice shall be served at least one day before the time of meeting. A majority of the board shall constitute a quorum for the transaction of business.

§ 3. The board shall have power to organize and keep under good and efficient organization, a fire company and a hook and ladder and hose company, of not exceeding fifty men to the fire engine, and twenty-five men to the hook and ladder, and ten men to the hose company; and to purchase and keep in repair fire engines, hooks, ladders, hose and other apparatus for the extinguishment of fires, and to erect and keep in repair houses for the safe keeping thereof, and to purchase and take conveyances to the village of the necessary sites therefor; to appoint and dismiss firemen, including members of fire engine, hook and ladder and hose companies, and to make rules and regulations for the government of fire engine, hook and ladder and hose companies and the members thereof; to construct and maintain reservoirs and cisterns, and supply them with water for use at fires; and to purchase and take conveyances to the village, the necessary lands and privileges therefor, and to make rules for the prevention of fires and for their extinguishment. Fire department.

§ 4. The board shall have the care, management and control of the finances and property, and be responsible for the records, papers and seal belonging to the village, and may keep all buildings and other property of the corporation in repair and insured against damage or loss by fire. Finances, control of.

§ 5. The board shall also have power as to acts and matters within the corporate bounds, to make, publish, amend and repeal rules, ordinances and by-laws, for the following purposes: By-laws, etc.

1. To declare and define the duties and manner of discharging the same of all officers of the corporation whose duties are not specially prescribed by this act, and to add to the duties of those officers whose duties are thus prescribed, if the board shall deem necessary, and to fix the compensation of such officers if not fixed by this act. Duties of officers.

2. To prevent vice and immorality, preserve the public peace and order; to restrain and suppress disorderly houses and houses of ill-fame, or of assignation, gaming houses and instruments, and devices for gaming. Disorderly houses, etc.

3. To provide for the care and superintendence of a lock-up, and of the persons detained therein, if one shall be erected or procured. Lock-up.

4. To apprehend and punish common prostitutes, vagrants and disorderly persons, and persons disturbing a public assembly. Vagrants.

5. To employ an attorney or attorneys, for the transaction of any matter requiring legal skill. Attorney.

6. To prevent incumbering the streets, sidewalks, crosswalks, lanes and alleys, with any material whatever. Incumbering streets, etc.

7. To prevent and regulate any encroachment or the erection of any projection, from or opposite any building in, or over, or upon any of the streets or sidewalks, and cause the same to be removed at the expense of the owner or occupant of the premises.

8. To establish and maintain a public pound, and appoint a keeper thereof, and to regulate his compensation and fees. Pound.

9. To restrain the running at large of cattle, sheep, horses, swine, geese or other animals or fowls, and to authorize the distraining, impounding and sale of the same, for the penalty and costs of keeping and proceedings. Cattle running at large.

- Dogs.** 10. To regulate and prevent the running at large of dogs in the village.
11. To regulate and prevent any act, amusement or practice, endangering property or persons on the streets, sidewalks or public grounds.
- Trees.** 12. To protect trees, provide for keeping the sidewalks free from snow, ice, dirt and other obstructions; and to direct and compel the cleaning of the streets by persons who shall deposit dirt, filth, ashes or litter therein.
- Bathing.** 13. To regulate and prevent swimming and bathing in the waters within the village.
14. To prevent immoderate riding or driving within the corporate limits, and leaving horses untied in the streets, and to authorize any officer to stop any one guilty of such riding or driving in the streets.
- Sales of meat, etc.** 15. To regulate the time, place and manner of keeping and selling meat, fish, vegetables and agricultural produce, and the location of slaughter-houses, and places and houses for storing gunpowder and other explosive material.
- Nuisances.** 16. To compel the removal and abatement of any public nuisance, and if not done in such time as the board shall direct, to cause the same to be removed, the expense of which removal shall be a charge against, and if not paid, be recovered by action against the owner or occupant of the lot where the same was, or of any other person who shall maintain or control such nuisance.
- Exhibitions.** 17. To prohibit or regulate all exhibitions or performances for money or hire, or authorize the same on such terms as the board shall deem expedient, subject to the provisions of the Revised Statutes.
- Peddling.** 18. To restrain and prevent hawking and peddling in the streets, to regulate, restrain or prohibit sales by auction, except sales by legal proceedings, and to grant licenses to auctioneers.
- Lights.** 19. To regulate the use of candles, kerosene or burning materials of any kind, or lights or fires in barns or stables and other places liable to take fire.
- Fire works.** 20. To prevent and punish the discharge of fire-arms, rockets, gunpowder and fire-works in the roads, avenues, lanes, streets and public places of the village or in the vicinity of any building therein.
21. To prevent profanity and sabbath-breaking, and to enforce the punishment of those offenses.
- Tax.** § 6. The village board shall have power by resolution to raise by tax on said village in any one year the sum of not exceeding three hundred dollars without a vote of a meeting of the village, to be used for any of the purposes for which by this act they are authorized to make expenditures.
- Commissioners of excise.** § 7. The village board shall be commissioners of excise for the village, and shall have exclusive power and jurisdiction within the corporate limits of all matters and questions relating to excise and the granting or withholding of licenses possessed by the commissioners of excise of towns, and it shall be their duty to see that the excise laws are enforced and obeyed, and the president shall cause such actions or proceedings to be instituted in the name of the village for the violation of such laws and for the enforcement and collection of penalties and fines for such violation as the board shall direct. Sums received for licenses and fines and penalties collected shall be paid into the treasury for the use of the village.
- Vacancies.** § 8. The village board shall fill all vacancies in office, and the persons appointed to fill vacancies shall hold their offices until the next annual election, and until another shall be qualified in his place.

When an officer shall cease to be a resident of the village, his office shall be vacant, and when a person elected or appointed to an office shall neglect to file his oath of office for five days after personal notice in writing from the president or clerk of his election or appointment, the office shall be deemed vacant.

§ 9. Any officer appointed by the village board may be removed by them for misconduct, on notice to such officer and opportunity given him to be heard in his defense.

Removal
of officers
from
office.

§ 10. The village within the corporate limits is hereby constituted a separate road district, and the village board are hereby made commissioners of highways in and for said village, and shall possess and exercise exclusively therein the powers and duties, and be subject to the liabilities and restrictions of commissioners of highways of towns; provided, however, that all the bridges therein shall be and remain under the control and supervision of the commissioners of highways of the town in which the bridges are located, in all respects as other bridges in said town, and shall be built and maintained by the town in which they are located; provided further, that if the town in which such bridges may be shall, after five days' notice to the commissioners thereof by the president of the village, neglect to make and repair the same, that then the village board may make and repair the same, and the actual expense of such making and repairing shall be a charge against the town in which such bridges are located. Said board shall yearly make out an assessment of highway labor in the village, and, so far as the same shall be based on the valuation of property, the valuation as contained in the last assessment roll of the village shall be taken as a guide, and they shall have the same powers and may assess to the same extent, by poll and otherwise, as commissioners of highways of towns, and they shall make and deliver the warrant therefor, which shall be in the same form and of like force and effect as road warrants made by commissioners of highways of towns to the street commissioner, whose duty it shall be to execute the same as provided in this act.

Separate
road dis-
trict.

Highway
tax.

§ 11. Said board shall also have power and it shall be their duty to construct sewers, culverts and drains, to regulate and prescribe their width, line and grade of streets, lanes and sidewalks; to lay out and open new roads and streets, to widen, alter, change the grade or otherwise improve the roads, streets, lanes and sidewalks; to drain stagnant waters and to raise and fill up low grounds, if nuisances, at the expense of the persons benefited; and to regulate the water-courses, ponds and watering places in the village; to direct the street commissioner to lay out the highway labor on the streets, sidewalks, crosswalks, drains and sewers in such proportion and in such localities as to them shall seem best.

Sewers,
etc.

§ 12. The village board shall have power to make and establish all legal by-laws, rules and ordinances necessary to carry out the provisions of this act, print and pay for the same, and to enforce such by-laws, rules and ordinances, and to pay the expenses of such enforcement out of the public funds. The board shall also have power to prescribe penalties for the violation thereof, not exceeding one hundred dollars for each offense; but all such by-laws, rules and ordinances shall be posted in three public places in the village ten days before they shall take effect.

By-laws,
etc.

TITLE IV.

SUITS, PROCEEDINGS AND POLICE DEPARTMENT.

Police Justice. SECTION 1. The police justice shall be elected to hold his office for four years, and until his successor shall be elected to said office and shall have duly qualified; and said police justice shall, within thirty days after his election, take and file an oath of office, the same as justices of the peace of towns are required by law to do, before he shall enter upon the duties of said office, and said oath, or a certified copy thereof, shall be filed in the clerk's office of the county of Delaware, and in the clerk's office of the county of Broome, and in the clerk's office of said village; said police justice shall have jurisdiction in both civil and criminal actions, and to entertain suits and proceedings to recover penalties under this act, or any by-law or ordinance made in pursuance thereof, and have the same power, and be subject to the same duties and liabilities, and shall receive the same fees and compensation, and shall have the same power and authority in and about the acknowledgment and verification of deeds and other instruments in writing as are possessed by justices of the peace in this State, and all of his acts shall be entitled to full credit and be effective in each of the counties of Broome and Delaware, after he has filed therein, as aforesaid, his oath of office. All actions brought before him against residents of the counties of Broome or Delaware may be commenced by long summons.

Official oath.

Jurisdiction.

May take acknowledgments, etc.

Police constable, duties of. § 2. The police constable shall be appointed by the village board, and shall hold his office for one year and until his successor has been appointed and has qualified; it shall be the duty of said constable to serve all papers and process for or on account of the said board or appertaining to the said corporation, to arrest all disorderly persons or disturbers of the public peace, to see that the rules, regulations and by-laws of said board in relation to the police, and regulations of the affairs of said corporation, are duly observed and enforced, to attend at fires and other unusual assemblages, to preserve order and protect property, to use his utmost endeavors at all times to prevent and quell riots and any and every unlawful proceeding, and to do and perform all such other acts and duties consistent with his office which the village board may prescribe, for which services he shall receive such compensation as the board may allow; and said police constable is hereby authorized and empowered to serve process issuing from justices' courts in the counties of Broome and Delaware, or from said police justice, and perform all other duties pertaining to the office of a constable in either of the counties of Broome or Delaware the same as other constables elected by the people in the respective towns in either of said counties may do and with like effect, and for which he shall receive the same fees allowed by law to constables for similar services, and to be audited and paid in like manner, and it shall be his duty to arrest, pursuant to law, any disorderly persons, or any drunken person, or common prostitute found in the street, or in any public meeting or assembly in said village, and he is hereby authorized to make such arrests, and he shall take such persons so arrested before the said police justice, or before any justice of the peace of the towns of Sanford, Broome county, or Tompkins, Delaware county, residing within said village, to be disposed of according to law.

Compensation of.

Arrests by.

Actions for penalties, etc. § 3. All actions brought to recover any penalty, forfeiture, fine or money under this act, or under any ordinance, by-law or resolution made in pursuance thereof, shall be brought in the name of The

Village of Deposit, in any court having cognizance thereof. And said village may appear in any court or place, by any person authorized thereto by a resolution of said board, and such authority may be proved or shown by the oath of the person so appearing in the same manner and like effect as in case of an action for or in behalf of a person. And when such actions are instituted before a justice of the peace or said police justice, they shall be commenced by summons, warrant or attachment, as actions in justices' courts are now commenced; provided, however, that actions brought by said village for the recovery of any penalty, forfeiture or fine may be commenced by summons or warrant, as said village may elect, and in no case shall a bond be required by or on the part of said village before the issuing of any such process. Such process shall conform, as near as may be, with the requirements of the code of procedure and the laws of the State of New York.

How commenced.

§ 4. The provisions of the code of procedure and other laws of the State of New York relating to service and return of process, to the appearance of parties, to pleadings, evidence, offers of judgment, to adjournments, to compelling the attendance of witnesses, to trials and the incidents thereto, to judgments and appeals therefrom, and the filing transcripts thereof, and to the fees of officers, witnesses, jurors, attorneys and parties, and to executions, shall apply to all actions brought by said village so far as the same are applicable, except that when the action is brought to recover a forfeiture, fine or penalty, it shall be sufficient to state in the complaint the title and section or sections of this act, or the by-law or ordinance or resolution alleged to have been violated, the time of its passage and the amount of the penalty claimed; and other facts may be given in evidence without being stated in the complaint, and except, also, that but one adjournment on the application of the defendant shall be allowed, and that not to exceed thirty days. The execution for the enforcement of any judgment in favor of said village, when the same shall be for penalties, fines or forfeitures, shall command the officer to whom directed, in case no goods or chattels or property can be found to satisfy such execution and costs, to commit the person or persons against whom the execution shall have issued to the county jail of the county in which such judgment was rendered, or if rendered by said police justice, to the county jail of Broome county, and shall deliver to the keeper of such jail a copy of such execution and indorsement certified by such officer, by virtue of which such keeper shall keep and detain such person or persons in said jail for thirty days without allowing him or them the benefits or the liberties of such jail, unless such execution and the costs and fees thereon shall be sooner paid; but such imprisonment shall not be deemed to have satisfied such execution, or the judgment on which the same was issued, and execution may thereafter be issued on said judgment against the property of such person or persons.

Pleadings, process, etc.

Executions on judgments for penalties.

§ 5. In any action brought to recover a penalty or forfeiture or damages imposed for violation of any of the laws, ordinances or resolutions of said village, every by-law, ordinance, resolution or proceeding of the village board of said village, may be read in evidence in all courts and places in this State, either from the original books and records, or a copy thereof, duly certified by the president or clerk of the board, or from any printed volume containing the same, accompanied by a certificate of such president or clerk, that such volume was printed by authority of the board. The publication of any notice,

Evidence.

by-law, rule, ordinance, resolution or proceeding, required by this act or by said board to be published, may be proved by a copy of the affidavit of such publication, certified by the clerk, which shall be conclusive proof of such publication in all courts and places.

Compe-
tency of
witnesses.

§ 6. No person shall be incompetent as a judge, justice, juror, referee or witness, in any action or proceeding in which the corporation was or is interested by reason of being an inhabitant of the village or liable to taxation therein.

Oaths, etc.

§ 7. All oaths or affidavits, which are required by this act, may be taken before the president or clerk of said village, but shall be without fee.

Exemp-
tion from
arrest.

§ 8. No person entitled to vote at any election held under this act shall be arrested, on civil process within said village, on any day on which such election shall be held, during or before the time the polls are open thereat.

Fines to be
paid to
treasurer.

§ 9. All fines, forfeitures and penalties, and all moneys received for any purpose under this act, shall be paid to the treasurer within five days after the same shall be so received, and may be applied by said trustees to any purpose consistent with this act.

Habitual
drunkards

§ 10. All habitual drunkards in the village shall be deemed vagrants, and shall be proceeded against according to the provisions of the second title of the twentieth chapter of the Revised Statutes; and, in addition to the persons mentioned and described in the fifth title of the twentieth chapter of the first part of the Revised Statutes, all persons who shall be intoxicated in any street or public place in the village, and all persons who shall indecently expose their persons in the village, and all persons who shall, by noisy, tumultuous or riotous conduct, disturb the peace, and all persons who shall break or injure any awning or awning-post or frame, or remove from or pile up before any door or in any street, sidewalk or public place, boxes, casks or other things, for the purpose of annoyance or mischief, and all persons who shall willfully break, injure or deface or remove any trees, fences, gates, shrubbery, signs, awnings or any ornamental or useful thing in the village, are hereby declared to be disorderly persons, and may be proceeded against and punished accordingly; and any person charged with any offense specified in this section, which is, by existing law, a crime or misdemeanor, may be proceeded against under the present existing laws, or under the provisions of this act.

Disorderly
persons.

Houses of
ill-fame,
etc., pro-
ceedings
against
keepers of.

§ 11. When any person charged or complained against as a disorderly person, riotous person or person keeping a disorderly house, or keeping a house of ill-fame or prostitution, under the provisions of this act, shall be arrested and brought before any justice of the peace, or said police justice or officer having jurisdiction, such officer shall proceed forthwith to hear, try and determine the complaint or charge on which such person is arrested, or he may, in his discretion, or on cause shown, or on his own motion, adjourn the said trial or hearing not to exceed five days, and in the mean time may commit the offender to the village lock-up, county jail or place of detention until such day, or suffer him or her to go at large on his or her executing a bond with surety, under the approval of said justice, conditioned that he or she will appear on said adjourned day; and, upon the conviction of any such offender, either by confession or by competent testimony, the said justice or officer having jurisdiction, as the case may be, shall have power, and is hereby authorized to punish by fine, not less than five nor exceeding fifty dollars, besides the costs, or by imprisonment in the

county jail of Broome county not to exceed six months, or both such fine and imprisonment. Punish-
ment of.

TITLE V.

MISCELLANEOUS PROVISIONS.

SECTION 1. No member of the board of trustees shall be interested, directly or indirectly, in any contract in which the village is a party. Trustees
not to be
interested
in con-
tract.

§ 2. All licenses, drafts, deeds, instruments or papers (except licenses under the excise law, which shall be executed as required by the general laws of this State), to be executed as the act of the village, or in the transaction of its village affairs, except as otherwise provided in this act, may be executed by the president of said village, with or without a corporate seal. Licenses,
etc., how
to be ex-
cuted.

§ 3. All former acts to incorporate the village of Deposit, and the amendments thereto, are hereby repealed, but this repeal shall not affect any act done, right acquired or privilege granted, but the same shall remain as valid and effectual as if said acts had not been repealed; and the corporation hereby created succeeds to all the property, rights and duties, and is liable for all debts, demands and liabilities of the corporation heretofore known as the village of Deposit. Former
acts
repealed.

§ 4. No debt or liability shall be incurred by the village, except for its ordinary expenses, within the income of the current year applicable to that purpose, except that when the raising of money for a special purpose shall be ordered as provided in this act, the amount, when necessary, may be borrowed or liability by contract for the special purpose incurred, not exceeding the amount ordered, until the amount can be raised by tax as herein provided. Debts, etc.

§ 5. The jurisdiction of constables of the towns of Sanford and Tompkins shall also extend throughout the corporate limits of said village, and the jurisdiction of notaries public residing in said village shall extend throughout the counties of Broome and Delaware on their filing a certificate of their appointment or a certified copy thereof, together with the oath of office, in the clerk's office of said counties respectively. Jurisdic-
tion of
town con-
stables.

§ 6. All notices or other publications required by law to be published in the county of Delaware, and all notices or other publications required by law to be published in the county of Broome, may be published in any newspaper printed and published in said village, and shall be as valid and of like force and effect as if the same were published in the counties of Broome and Delaware, or either of them. Publica-
tion of
notices.

§ 7. Actions may be brought and maintained by said village in its corporate name, against any person or corporation, who ought to pay the same for any tax that shall have been returned by the collector uncollected, with interest from the date of the collector's return, and on recovering judgment in said action, the same may be docketed in the clerk's office of the county of Broome, in the same manner as in other cases, and transcripts of said judgment, certified by the clerk of Broome county, may be filed, and judgment thereon be docketed in any county clerk's office in this State, and from the time of docketing the same shall be a lien on all the real estate of the judgment debtor in the county where docketed, notwithstanding the same may be less than twenty-five dollars. An execution on said judgment may be issued to the sheriff of any county where said judgment is docketed, and shall be enforced and collected as other executions, except that no property shall be exempt from levy and sale thereunder, except such as is exempt from levy and sale by a town collector for town and county tax. And in case of default of personal property of the judgment debtor, out of Actions by
village for
tax.

Execu-
tion on
judgments
for.

which to collect the same, then, and in that case, the real estate of the judgment debtor in the bailiwick of the sheriff having such execution, or so much thereof as shall be necessary may, notwithstanding the amount of such judgment and execution shall be less than twenty-five dollars, be sold on such execution, and the same rights and proceedings for perfecting title thereunder to the property so sold may be had, and also for redeeming under said sale, as are provided for in cases of sales of real estate, under executions in other cases. All moneys collected on such executions shall be paid to the treasurer of the village for the use of the village.

Exemption of firemen.

§ 8. Every fireman shall, during the term of his services, be exempted from serving on juries and in the militia, except in cases of war, insurrection or invasion, and shall also be exempt from poll-tax. The evidence to entitle a fireman to such exemption shall be a certificate signed by the president of said village.

Lock-up.

§ 9. The village board shall have power to procure for the village, by lease or purchase, a site for a lock-up, and to erect and maintain a lock-up thereon, or said board may lease or purchase a building already erected and the site whereon it stands and fit up and maintain the same for such purpose.

Misdemeanors.

§ 10. Malversation in office, and every corrupt violation of duty by an officer of said village shall be a misdemeanor.

§ 11. This act shall take effect immediately.

CHAP. 331.

AN ACT authorizing the common council of the city of Lockport to raise by tax the necessary means to repair the Hydrant Hose carriage-house in the fourth ward of said city.

PASSED April 29, 1873 ; three-fifths being present.

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

Tax to repair Hydrant Hose carriage-house.

SECTION 1. In addition to the sum authorized by section one of title seven of the charter of the city of Lockport, as amended by the act entitled "An act to amend an act entitled 'An act to incorporate the city of Lockport,' passed April eleventh, eighteen hundred and sixty-five, and the acts amendatory thereof," passed May eleventh, eighteen hundred and sixty-nine, the common council may, in the year eighteen hundred and seventy-three, raise by a general tax on the property of said city with the other taxes raised that year, the sum of twenty-five hundred dollars, or so much thereof as they may deem necessary, to be used and expended in repairing the Hydrant Hose carriage-house in the fourth ward of said city.

§ 2. This act shall take effect immediately.



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L A W S
OF THE
STATE OF NEW YORK.

PASSED AT THE
ONE HUNDRED AND SIXTH SESSION

OF THE
LEGISLATURE.

BEGUN JANUARY SECOND AND ENDED MAY FOURTH, 1883,
IN THE CITY OF ALBANY.



ALBANY:
WEED, PARSONS AND COMPANY, PRINTERS.
1883.

For the payment to said sinking fund, the further sum of seventy-nine thousand and eighty-eight dollars and sixteen cents, being interest on the aforesaid deficiency to the time when the same will be realized from the tax to be levied in pursuance of this act.

For the payment to said sinking fund, the further sum of nine hundred and fifty thousand three hundred and ten dollars, being the annual contribution to the sinking fund, constituted for the payment of the principal and interest of the canal debt for the fiscal year, which commences on the first day of October, eighteen hundred and eighty-three, as provided in section five of article seven of the constitution.

Appropriation.

§ 3. The sum of twenty-nine thousand four hundred and ninety-one dollars and eighty-two cents, being the surplus of the tax levied in pursuance of chapter five hundred and ninety-five of the laws of eighteen hundred and eighty-one, to supply a former deficiency, is hereby appropriated to the sinking fund, under article seven, section three of the constitution, toward the deficiency which existed at the close of the fiscal year ended thirtieth September, eighteen hundred and eighty-two.

CHAP. 374.

AN ACT to establish the compensation of the county judge and surrogate of Seneca county.

PASSED May 10, 1883; three-fifths being present.

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

SECTION 1. The annual salary of the county judge and surrogate of Seneca county, from and after the first day of January, eighteen hundred and eighty-four, is hereby fixed at the sum of fifteen hundred dollars.

CHAP. 375.

AN ACT to limit the carrying and sale of pistols and other fire-arms in the cities of this state.

PASSED May 10, 1883; three-fifths being present.

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

Persons under eighteen not to carry pistols, etc.

SECTION 1. No person under the age of eighteen years shall have, carry or have in his possession in any public street, highway or place in any of the cities of this state, any pistol or other fire-arms of any kind, and no person shall in such cities sell or give any pistol or other fire-arms to any person under such age.

Penalty

§ 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and in all trials or examinations for said offense the appearance of the person so alleged or claimed to be under the age of eighteen years shall be evidence to the magistrate or jury as to the age of such person.

Act not to apply to transportation of

§ 3. Nothing herein contained shall apply to the regular and ordinary transportation of pistols or fire-arms as articles of merchandise in said cities, or to the carrying of a gun or rifle through a street or high-

any of any city, with the intent to use the same outside of said city; nor to any person under such age carrying any pistol or other fire-arms under a license given by the mayor of said cities; but no licenses so given shall be in force more than one year from its date, and all such licenses may be revoked at the pleasure of the mayor, and a full, complete and public record shall be kept by the mayor of said cities of all such licenses, and the terms and date thereof.

§ 4. This act shall take effect immediately.

CHAP. 376.

AN ACT to provide ways and means for the support of government.

PASSED May 10, 1883; three-fifths being present.

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

SECTION 1. There shall be imposed for the fiscal year, beginning on the first day of October, eighteen hundred and eighty-three, on each dollar of real and personal property of this state subject to taxation, taxes for the purposes hereinafter mentioned, which taxes shall be assessed, levied and collected by the annual assessment and collection of taxes for that year, in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of this state, to be held by the treasurer for application to the purposes specified, that is to say: for the general fund and for the payment of those claims and demands which shall constitute a lawful charge upon that fund during the fiscal year commencing October first, eighteen hundred and eighty-three, one and one hundred twenty-four one-thousandths mills; for the free school fund; for the maintenance of common schools, one and seventy-nine one-thousandths mills.

Tax.
1.124-1000
of mill for
general
fund.

1.79-1000 of
a mill for
common
schools.

CHAP. 377.

AN ACT to revive the powers of the First Presbyterian Society and Church, in the town of South Bristol, Ontario county.

PASSED May 10, 1883.

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

SECTION 1. The corporation of the religious society heretofore known by the name of the "First Presbyterian Society of South Bristol," in the town of South Bristol, Ontario county, shall not, by reason of any omission or neglect of said corporation, previous to the passage of this act, to elect or choose trustees or meet for the purpose of worship, be deemed or taken to be thereby dissolved, or to have forfeited any of its franchises or rights; but the trustees of said church or society in office at the time of such omission to choose or elect shall be deemed and taken to be the legal trustees of such congregation or society, and shall continue to hold their offices until others be chosen

Neglect to
elect trust-
ees not to
dissolve
corporation,
etc



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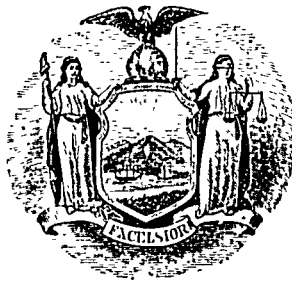
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L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE
ONE HUNDRED AND ELEVENTH SESSION

OF THE
LEGISLATURE,

BEGUN JANUARY FOURTH, AND ENDED MAY ELEVENTH, 1888,
ALSO, LAWS PASSED AT EXTRAORDINARY SESSION, JULY SEVENTEENTH TO
TWENTIETH, 1888, IN THE CITY OF ALBANY.



ALBANY :
BANKS & BROTHERS, PUBLISHERS.
1888.

Chap. 330.

AN ACT further to amend chapter two hundred and seventy-seven of the laws of eighteen hundred and sixty-eight, entitled "An act to amend an act entitled "An act to provide for the incorporation of villages passed December seventh eighteen hundred forty-seven" and the several acts amendatory thereof so far as the same relates to the village of Baldwinsville Onondaga county, and to revise and amend the charter of said village.

APPROVED by the Governor May 19, 1888. Passed, three-fifths being present.

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

TITLE I.

SECTION 1. The territory comprised within the following limits shall constitute the village of Baldwinsville: Beginning at the northwest corner of lot number seven in the town of Van Buren, on the south bank of Seneca river, thence across said river north, sixty-two degrees and forty minutes east, ten chains and eighty links to the north bank of said river; thence on the same course six chains to the north line of lot number eighty-five in the town of Lysander; thence north two degrees east, sixteen chains; thence parallel with said lot line last mentioned south eighty-eight degrees east, ninety-eight chains and forty-five links to a point on the east line of land of Jane Hamill on lot number eighty-six Lysander, continued north; thence south two degrees west on said line sixteen chains to the north line of lot number eighty-six aforesaid; thence on same course and on the said east line of Jane Hamill's lands and the same continued fifty-two chains and thirty-six links to the center of the Syracuse and Oswego railroad, on the land formerly owned by Silas Wallace, and on said lot number eighty-six; thence south fifty-three degrees and thirty minutes west to a point at the bend of the river* eighteen chains and sixty-seven links; thence across said river south forty-five degrees and twenty-five minutes west, fourteen chains and forty-one links to the south bank of said river; thence on the same course to the northeast corner of land of O. B. Herrick, on lot number seven in Van Buren aforesaid, four chains and forty links; thence on the north line of said Herrick's land and the same continued north eighty-nine degrees west, eighty-three chains and seventy-eight links to the west line of said lot number seven; thence on said west line north two degrees east, seventy-two chains to the place of beginning on the south bank of said river, containing eleven hundred and sixty eighteen one hundredths acres, part of said territory being in the town of Lysander and part in the town of Van Buren, in the county of Onondaga, and State of New York.

§ 2. The inhabitants of said village shall be a corporation by the name of the village of Baldwinsville, and may sue and be sued, complain and defend in any court, make and use a common seal and alter it at pleasure, and may receive by gift, grant, devise, bequest or purchase and hold and convey such real and personal estate as the

* So in the original.

purposes of the corporation may require; but no purchase or sale of any real estate shall be made by said village unless authorized by a vote of the taxable inhabitants thereof to be given at a public meeting duly notified in the manner prescribed in the fourth title of this act.

Village
wards.
First
ward.
Second
ward

Third
ward.

§ 3. The said village shall be divided into three wards as follows: All that portion of said village lying upon the south side of the Seneca river shall be the first ward; all that portion of said village lying on the north side of said Seneca river west of a line running through the center of Virginia street from the said river to the north line of said village, shall be the second ward; and all that portion of said village lying east of said line through the center of Virginia street shall be the third ward.

TITLE II.

Village
and ward
officers.

SECTION 1. Officers of the village shall be a president, two trustees from each ward, a clerk, a treasurer, a collector, a police constable, one assessor from each ward one street commissioner for the first ward and one street commissioner for the second and third wards, a chief engineer, and three fire wardens for the fire department.

Officers to
be elected
in 1889.

§ 2. The president, treasurer, police constable, trustees and assessors shall be elected by the electors at the annual election in the year eighteen hundred and eighty-nine. One trustee from each ward shall be elected for one year, and one trustee from each ward for two years.

Future
elections.

At each succeeding annual election, a president, treasurer and one assessor from each ward shall be elected for the term of one year; and one trustee from each ward shall be elected for the term of two years.

Appoint-
ive offi-
cers.

The clerk, collector and street commissioners shall be appointed annually by the board of trustees.

Terms of
officers.

§ 3. All officers elected or appointed shall hold their respective offices one year, except the trustees who shall hold their office for two years; and the said officers shall so hold for their respective terms aforesaid unless sooner removed or disqualified, and until their successors shall be elected or appointed and qualified.

Notice of
election.

§ 4. The clerk of the village shall, within five days after such election, notify the persons elected of their election.

Failure to
file oath
of office
creates
vacancy.

§ 5. Every person elected or appointed to office under this act who shall neglect to file the oath of office hereinafter required for five days after personal notice in writing from the village clerk of his election or appointment shall be deemed to have declined the office and his place may be filled as in case of vacancy.

Eligibility
to office.

§ 6. No person shall be eligible to any office unless he shall be at the time a resident and elector of the village and each trustee shall be a resident of the ward from which he is elected, and shall be voted for by the electors of that ward. Whenever any officer of the village shall cease to be a resident thereof his office shall become vacant.

Vacancies,
how
caused.

§ 7. No person shall be eligible as president or trustee unless owning property liable to be assessed for the expenditures of the village.

Property
qualifica-
tion.

Vacancies,
how
filled.

§ 8. If there shall be a vacancy in any office under this act the board of trustees shall fill the same.

Official
bonds of
certain
officers.

§ 9. The treasurer, collector, street commissioners, police constable, and such other officers as may be required by the board of trustees, shall severally before they enter upon the duties of their respective offices execute and file with the village clerk a bond to the village, in such a sum and with such sureties as the board of trustees shall approve, conditioned that they will faithfully execute the duties of their respective offices and account for and pay over all moneys received by them respectively.

§ 10. The several officers under this act shall each before entering upon their duties take and file with the clerk the oath of office provided by the Constitution.

Constitutional oath of office.

§ 11. All inhabitants of the village qualified to vote at town meetings who have resided within the bounds of said village thirty days next preceding such election shall be entitled to vote for all officers to be elected and at all elections to be held by this act unless otherwise herein directed; but no person shall vote upon any proposition to raise a tax or appropriate the same, or purchase property, unless he shall at the time be liable to be assessed for such tax in his own right, or in the right of his wife.

Qualifications of voters at village elections.

At tax meetings.

§ 12. Any officer appointed by the board of trustees may be removed by the board for misconduct on notice to such officer and an opportunity given him to make his defense.

Removals for cause.

§ 13. Elections of elective officers shall be held annually on the first Tuesday of March, from ten o'clock in the forenoon until two o'clock in the afternoon at such places as shall be designated by the trustee or a majority of them; at least six days notice shall be given by the trustees, or a majority of them prior to said election, by posting notices in six conspicuous places in the village by the clerk or some one appointed by the trustees. In case the trustees neglect to appoint places, the election shall be held at the places of the last preceding annual election.

Annual charter elections.

Notice thereof

§ 14. The trustees and assessor from each ward shall be inspectors of election for the village, one of whom shall preside at all elections. In case the trustees or assessor shall not be present, the electors may appoint a chairman to preside, who shall have all the powers of an inspector under this act.

Inspectors at elections.

§ 15. The return of every election under this act shall be filed immediately.

Election returns, how filed.

TITLE III.

POWERS OF TRUSTEES.

SECTION 1. The board of trustees shall meet at such times and place in the village as they shall by resolution direct. Special meetings may be called by the president or by the clerk on the written request of two trustees, at such time and place as the written notice to be served on the trustees shall direct. This notice shall be served at least eight hours before the time of meeting.

Trustees, meetings of board of.

§ 2. The president when present shall preside at all meetings of the board and shall vote only in case of tie. In his absence any trustee may be appointed president for the time. A majority of the board shall constitute a quorum for the transaction of business.

President of board.

Business quorum.

§ 3. The trustees shall have the care, management and control of the finances and property and custody of the records and papers and seal belonging to the village; and may keep all buildings and other property of the corporation in repair, and insure against damage or loss by fire. The trustees shall have power as to acts and matters within the corporate bounds, to make, publish, amend and repeal rules ordinances and by-laws for the following purposes:

Trustees to have care of property and records.

Power of trustees.

1. To declare and define the duties, and manner of discharging the same, of all officers of the corporation whose duties are not specially prescribed by this act, and to add to the duties of those officers whose duties are thus prescribed, if the board of trustees deem necessary, and to fix the compensation of such officers if not fixed by this act.

To define duties of village officers.

- To suppress disorderly houses, etc. 2. To prevent vice and immorality, preserve the public peace and order, to restrain and suppress disorderly houses and houses of ill-fame or assignation, gaming houses and instruments and devices for gaming.
- To establish police. Town constables, restrictions. 3. To establish and maintain a police and prescribe their powers and duties, and it shall not be lawful for any constable of the town or county in which this village is situate, residing outside the corporate limit of said village who shall hereafter be elected or appointed to make any charge against such village, or the town or county in which the same is situate for services rendered in or respecting any criminal arrests or proceedings before magistrates or courts of special sessions cases, trials or examinations, in such village, after the establishment and during the maintenance of a police in such village under this act. But no constable shall be required to perform any service for which he is herein prohibited from making a charge; and to erect or procure and maintain a lock-up, or designate a place for the detention of persons arrested under this act, or any by-law, rule or ordinance, and to confine said person therein.
- Lock-up. 4. To apprehend and punish common prostitutes, vagrants and disorderly persons, and persons unnecessarily congregated upon the sidewalks or corners or disturbing a public assembly.
- Vagrants and disorderly. 5. To employ an attorney or attorneys for transaction of any matter requiring legal skill.
- Village attorney. 6. To prevent incumbering the streets, squares, sidewalks, cross walks, lanes and alleys, with any material whatever.
- Incumbering streets. 7. To prevent any encroachment, or the erection of any projection from or opposite of any building in or upon or over any of the streets or sidewalks, and cause the same to be removed at the expense of the owner or occupant of the premises.
- Encroachments upon streets. 8. To establish and maintain a public pound; and appoint a keeper thereof, and to regulate his compensation and fees.
- Public pound. 9. To restrain the running at large of cattle, sheep, horses, swine, geese, or other animals, and to authorize the distraining, impounding, and sale of the same for the penalty and cost of keeping and proceedings.
- Running at large of animals. 10. To provide for the lighting of the streets and safety of the lamps.
- Street lighting. 11. To erect and maintain fire engine houses, hook and ladder, and hose houses.
- Engine houses. 12. To provide for the purchasing and repairing of fire engines, hooks and ladders, hose carts and hose, and all other necessary apparatus for the same.
- Fire engines and apparatus. 13. To construct and maintain reservoirs and cisterns, and supply them with water for use at fires; to protect and preserve property at fires; to establish fire limits, within the corporate bounds, by resolution of the board of trustees, describing the same by metes and boundaries, which resolution shall be filed in the office of the village clerk, and be posted in three public places within the corporate bounds, to prevent fires, and provide for their extinguishment.
- Reservoirs and protection from fires. Fire limits. 14. To regulate and prevent any act, amusement, or practice, endangering property or person, on the streets, sidewalks or public grounds.
- Dangerous amusements. 15. To regulate and prevent the running at large of dogs in the village.
- Removal of snow, ice and dirt. 16. To protect trees, provide for keeping the sidewalks free from snow, ice, dirt and other obstructions; and to direct and compel the

* So in the original.

cleaning of the streets by the persons owning or occupying the premises fronting thereon.

17. To regulate swimming and bathing in the waters within and bounding the village. Bathing.

18. To prevent immoderate riding or driving within the corporate limits, leaving horses untied in the streets, and to authorize any officer to stop any one guilty of such riding or driving in the streets. Immoderate driving, etc.

19. To regulate the time, place, and manner of keeping and selling meats, fish, vegetables and other agricultural products, and the location of slaughter houses and places and houses for storing gunpowder, or other explosive material. Sale of meats, etc.
Gunpowder.

20. To compel the removal and abatement of any public nuisance, and if not done within such time as the trustees may allow, to cause the same to be removed or abated at the expense of the village, and to declare such expense to be a lien upon the lot, on or in front of which it was, and to enforce the collection of such expenses by leasing the premises in the manner prescribed in this act for the collection of unpaid taxes, or by action against the owner or occupant of such lot, or any other person who may maintain or control such nuisance. Nuisances, abatement of
Expense of removal, how enforced.

21. To prohibit or regulate all exhibitions or performances for money or hire, or authorize the same on such terms as the trustees shall deem expedient. Exhibitions.

22. To restrain, regulate or prevent hawking and peddling in the streets, or from house to house, goods, wares, merchandise of every description also fruits, vegetables, meats and fish; to regulate, restrain or prohibit sales by auction, and grant licenses to peddlers and auctioneers, and fix the amount to be paid therefor; to regulate the use and running of all hacks, public carriages or vehicles for the conveyance of passengers, baggage or movables of any kind, for hire, through the public streets, to designate their places of waiting, and grant a license to their owners or proprietors thereof, and fix the amount to be paid for the same. Peddlers and auctioneers.
Hackmen.

23. To regulate the use of candles, kerosene or burning materials of any kind, or lights or fires in barns and stables, and other places liable to take fire, and to control the construction of buildings as to material, and prescribe the limits within which wooden buildings shall not be built, and prescribe the penalty, not exceeding one thousand dollars, for a violation of any ordinance passed relating thereto. Use of kerosene, etc.
Fire limits for wooden buildings.

24. To regulate and control all existing public cemeteries, and provide for the establishment of new ones, and to prevent all interments within the bounds of the corporation except in such cemeteries. Cemeteries

25. To keep the roads, avenues, streets, lanes, public buildings and public places of the village in good order, repair and condition, to construct culverts and drains, to make and repair all bridges which may be necessary within the bounds of the village; to regulate and prescribe the width, line and grade of streets, avenues, lanes and sidewalks, to pave, plank or flag roads, cross walks or sidewalks, lay out and open new roads and streets, to widen, alter and change the grade, or otherwise improve roads, avenues, streets, lanes and sidewalks, to drain stagnant waters and to raise or fill up low grounds, if a nuisance, and assess the expense thereof upon the property benefited, in proportion to the amount of such benefit, and to regulate the water courses, ponds and watering places in the village; to cause all necessary sewers to be built, and assess the expense thereof upon the property benefited in proportion to the amount of such benefit. The amount of the benefit in any case where the same is made the basis of Streets, bridges, culverts, etc.
Sidewalks.
Street grades.
Water courses, sewers, etc.
Assessments for benefits.

assessment under this section, shall be determined by the president and trustees, provided, however, that no property beyond the limit of one hundred and seventy-five feet from the line terminus of any such sewer shall be liable to assessment for the expenses of building the same; and provided, also, that no sewer shall be constructed under the provisions hereof, except upon a written petition signed by a majority of the persons whose property shall be liable to assessment for the said expense. All assessments for the drainage of stagnant waters, the raising or filling up of low grounds, or the building of sewers under the provisions of this section, shall be enforced and collected in the same manner as assessments for the annual village tax.

Assessments for sewers, drainage, etc.

Fire-works and fire arms.

26. To prevent and punish the discharge of fire arms, rockets, gunpowder and fireworks, in the roads, avenues, lanes, streets, and public places of the village, or in the vicinity of any building therein.

Closing of saloons

27. To order and enforce the closing of all saloons and bars or rooms adjacent thereto, from twelve o'clock in the afternoon Saturday until five o'clock in the morning Monday.

By-laws and ordinances.

28. The board of trustees shall have power to make and establish all legal by-laws, rules and ordinances, necessary to carry out the purposes of this act, print and pay for the same, and to enforce such by-laws, rules and ordinances, and to pay the expenses of such enforcement out of the corporate funds. The trustees shall also have power to prescribe penalties for a violation thereof, not exceeding one hundred dollars for each offense, but all such by-laws, rules and ordinances shall be posted in three public places in each ward in the village ten days before they shall take effect.

Penalties for violations. How posted.

Sidewalks, proceedings to enforce making and repair of.

§ 4. The trustees shall have power to compel the owners and occupants of lands or lots in front of and adjoining which a sidewalk is to be made or repaired, to make such improvements upon the sidewalk in front of said land or lot, to determine and prescribe the manner of doing the same, and the materials to be used therein, and the quality or kind of such materials; and in case the owner or owners, occupant or occupants, of any such land or lot shall neglect or refuse to complete the said required improvements within such reasonable time as shall be required by the trustees, the said trustees may cause such improvements to be made or completed, and the expense thereof may be by them assessed on such owner or owners so neglecting or refusing, and be collected by warrant issued by the president and trustees as other taxes are directed or collected by this act; and in case such tax or assessment shall not be paid or collected, the trustees may cause such real estate to be leased, or the owner thereof to be sued, for payment and collection of such tax, and the costs and expenses arising from non-payment, in the manner and with the effect, and subject to the provisions of this act in regard to the collection of taxes and assessments, by leasing of real estate, or by action at law against the person liable.

Fire department, organization of.

§ 5. The trustees are authorized and empowered to organize a fire department, and provide for the government and discipline of the same, to consist of one or more engine companies, one or more hook and ladder companies, one or more hose companies, and one or more protective companies; to appoint a sufficient number of suitable persons as members, not exceeding sixty to each engine company, and not exceeding forty to each hook and ladder company, and not exceeding twenty to each hose and protective company, with the consent of the persons appointed. A foreman and assistant foreman for each company shall be chosen by the members of each company, in the manner to be directed by the trustees, and subject to their approval and ratification.

Company foreman, etc., how chosen.

§ 6. Every member of the fire department, while such member, shall be exempt from serving in the militia, except in cases of war, invasion and insurrection, and every person who shall serve in such fire department five successive years, shall thereafter be entitled to the like exemption from military service; and a certificate of such service, authenticated by the president of the village and the corporate seal, shall be presumptive evidence before all courts and officers, civil and military, of such exemption.

Firemen, exemptions of, from military duty.

§ 7. The chief engineer of the fire department, and in his absence, the senior assistant engineer, shall have the direction and control of the department, subject to such regulations as shall be prescribed by the trustees.

Chief and assistant engineers, duty of.

§ 8. The trustees may and it shall be their duty to take precautionary measures to guard the public health in times of infectious and pestilential diseases and to provide against them when they appear in the village, by providing places for the removal of persons* having such diseases from the populous parts of the village, and to pay the expenses incident to such removal, and they shall have the power to remove such persons; and they shall have the power to appoint one or more health commissioners, who, with the president, shall constitute a board of health of the village; and such board of health shall possess the powers conferred by and be subject to the provisions of the act of the Legislature of the State of New York, entitled "An act for the preservation of the public health," passed April tenth, eighteen hundred and fifty, and acts amendatory thereof, in addition to the powers which may be given under this act.

Public health, precautionary measures as to.

Board of health and its powers.

§ 9. The trustees shall have the auditing of all accounts and claims against the village, and no account or claim shall be paid unless allowed by them or after judgment obtained thereon. When an account or claim shall be audited by them, the trustees auditing the same shall cause to be endorsed thereon, or annexed thereto a certificate signed by the president and countersigned by the clerk of the village, of such auditing and allowing or disallowing the same, in which the sum allowed and the fund out of which the same is to be paid shall be specified.

Trustees to audit accounts against village.

Audited accounts, how endorsed.

§ 10. No such account or claim shall be allowed by the trustees unless it shall be made out in items and accompanied by the affidavit of the person claiming to have rendered the service or furnished the materials or made the disbursements therein charged, that the items of such account or claim are correct as to the service, materials and disbursements mentioned, that such services and materials were rendered and furnished and disbursements made for the corporation, and no part of such claim has been paid. The claimant may be examined on oath by the trustees in relation to said claim and the items thereof. The affidavit and oath herein mentioned may be taken before the president of the village, or any of the trustees or the clerk of the village, and when certified by either of them may be read in evidence in any court of this State, in the same manner as oaths and affidavits taken and certified by a justice of the peace, but no fee shall be charged or received by any president or trustee for any oath or affidavit taken before them or either of them. Nothing herein shall be construed as preventing the trustees from disallowing any account or claim in whole or in part, when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof. Any person willfully swearing false in reference to any matter herein contained shall be guilty of perjury.

Accounts, how made out and verified.

False swearing to account deemed perjury.

* So in the original.

- President to submit annual financial report to trustees.** § 11. The president shall submit to the board of trustees, previous to the annual election of village officers in each year, a report of the financial transactions of the village for the year, showing, first: all moneys received, and from what source, distinguishing the respective funds and purposes to which they belonged. Second: all payments, specifying each item, and from what fund made. Third: to submit such further statements respecting the village finances as the president may deem proper to submit to the board; which statement shall be made and published in a newspaper published in said village, or by notice posted in three conspicuous places in each ward at least one week previous to each annual election.
- How published.**
- Street names, etc.** § 12. The trustees are empowered to give names of* the roads, lanes, streets, avenues and public places in the village.
- Village map and surveys.** § 13. The board of trustees shall cause a map to be made of such village, and cause all new public roads, avenues, streets and lanes in the village to be surveyed and described and a description thereof recorded in a book to be kept by the clerk for that purpose. The map so made, shall be kept by the clerk.
- Trustees' room** § 14. The board of trustees shall have power to provide a suitable room for holding their meetings, and proper cases and books for the clerk to preserve the records and papers of the corporation.
- Village tax.** § 15. The trustees shall have power to raise by assessment and tax, money for the expenditures required by the provisions of this act and the proceedings had thereunder.

TITLE IV.

- Village assessors, duties of, as to annual assessment, etc.** SECTION 1. It shall be the duty of the assessors on or before the second Monday of April, in each year, to make an assessment of all the taxable property within the limits of said village, in the same manner as assessors of towns are now required by law to assess real and personal estate; and the said board of trustees shall, at the same time prepare estimates of all expenditures required for all ordinary current expenses of said village, including the amount required for highway purposes of all kinds within the current year; and they shall thereupon cause to be apportioned and assessed the amount of their estimates upon all persons and property named in said tax list; but the amount so required to be raised shall not in any case exceed for all such expenditures in any one year three and one-half tenths of one per cent of the assessed valuation. Provided, that all moneys raised for highway purposes in the first ward, shall be expended in said ward, and all moneys raised for highway purposes in the second and third wards shall be expended in said wards.
- Trustees to prepare estimate of expenses and apportion same** § 2. The board of trustees may cause to be raised by general tax upon all the persons and property named in said assessment-roll, a specified sum of money for special purposes in addition to the ordinary current expenses of said village; but no such tax shall be raised for special purposes unless the voters of said village qualified as prescribed in the next section shall so decide by ballot at a meeting of the said voters, to be held at such time and place in said village as the board shall appoint; the poll of such meeting shall be opened at eleven o'clock in the forenoon, and close at two o'clock in the afternoon of the same day. The said trustees shall appoint three inspectors of the said meetings, one of whom shall act as clerk to keep the poll list; the said inspectors or a majority of them shall canvass the votes given at said meeting, and certify the result thereof to the board of trustees at its
- Limitation of tax.**
- Highway moneys, where expended.**
- Trustees may appoint tax meeting to vote upon special outlays.**
- Tax meeting, how conducted.**

* So in the original.

next meeting, which certificate shall be filed with the clerk of said village; and if it shall thereby appear that a majority of the voters voting at such meeting are in favor of such a tax, the said trustees shall proceed to collect and apply the same to the purposes for which such tax shall be voted.

Certificate of result, how filed.

Tax voted, how raised.

§ 3. Money cannot be borrowed of, nor can any debt be created in behalf of the village, payable at a future time; nor can any debt or liability be incurred by the village except for ordinary or highway purposes within the income of the current year. When the raising of any money for a special purpose as an extraordinary expenditure, as provided in this act, has been voted, the amount may be borrowed, or a liability by contract for the special purpose may be incurred, not exceeding the expense ordered, until the amount can be raised by tax as herein provided.

Village prohibited from incurring debts.

Loans in anticipation of tax.

§ 4. All general and special taxes, for whatever purposes levied in said village, shall be collected in a manner hereinafter prescribed. A copy of the tax list shall be delivered to the village collector, with a warrant annexed thereto, signed by the president and clerk of said village, directing him to levy and collect the several sums therein specified, as assessed against the persons and property therein named, and to return such warrant within ninety days after the date thereof to the said trustees, either before or after the return day thereof, by an endorsement thereon, or certificate annexed thereto, signed by the president and clerk and specifying the time of such removal.

Taxes, how collected by village collector.

Warrant, when returnable.

§ 6. On receipt of such tax list and warrant, the collector shall proceed to collect the taxes therein specified, in the same manner and with the same powers and duties as the town collector, in the collection of taxes imposed by the board of supervisors, and shall be entitled to charge the same fees for collection.

Powers and fees of collector.

TITLE V.

SECTION 1. It shall be the duty of the president of the board of trustees to see that the by-laws, rules and ordinances of the village, and the provisions of this act are enforced, and to recommend to the board such measures as he may think necessary, and as the head of the police of the village, he shall maintain peace and good order, and have the power of arrest for such purpose. If the president shall be unable to perform the duties of his office, the board of trustees shall appoint one of their number to preside at their meetings, and he shall be vested with all the powers and perform all the duties of the president of the village until the president shall resume his office or the vacancy shall be filled according to law.

Village president, his duties and powers.

President pro tem, when to be appointed.

§ 2. The treasurer shall receive all moneys belonging to the village, and keep an accurate account of all the receipts and expenditures. All moneys shall be drawn from the treasury, in pursuance of an order of the board of trustees, by warrant, signed by the president or the presiding officer of the board, and countersigned by the clerk. The books and entries of the treasurer, and the order or check book of the clerk, shall be open for inspection by any elector of the village, at all reasonable hours. The treasurer shall exhibit to the board of trustees, at least fifteen days before the annual election in each year, a full account of all receipts and expenditures after the date of the last annual report, and also the state of the treasury; which account shall be filed in the office of the clerk. The treasurer shall keep separate accounts of the moneys received and paid out of each separate fund.

Village treasurer, duties of.

Annual report to trustees.

Town justices, jurisdiction and powers of, in certain cases in village.

§ 3. Any justice of the peace of the town or towns in which such village shall be located, shall have jurisdiction in all criminal cases that may arise within the bounds of the village in the county in which they severally reside, with the same powers, and subject to the duties and liabilities, as a justice of the peace in other cases. He shall also have jurisdiction in all actions brought to recover fines or penalties for the violation of any provision of this act, and of the rules, by-laws and ordinances of the village, or to recover any tax or assessment levied by the village, and his proceedings and judgments may be reviewed in the same manner as is or shall be provided by law in cases of judgments and proceedings of justices of the peace. Said justice shall receive the same fees and compensation as provided by law for similar services. The fees and compensation of such justice shall be audited and paid, and collected in the same manner as the fees of justices of the peace for similar services. All fines recovered by him in suits for the violation of the provisions of this act, or the by-laws, rules and ordinances of the corporation, shall be paid over to the treasurer of the village upon their receipt by such justice. In such last mentioned suits, if judgment is entered, the said justice shall award costs, including witness fees and other legal disbursements, to the successful party, to the same amount as a justice of the peace could in civil actions or proceedings before him.

Their fees, how audited.

Fines recovered, how payable to village treasurer.

Police constable, his duties and powers.

§ 4. The person elected police constable shall have the powers and be subject to the same duties in criminal and civil cases cognizable by said justice, as constables of towns, and shall be chief of the police force of the village, subject to the directions and orders of the president. He shall have the power, and it shall be his duty, to keep order in all public places in the village; to arrest persons concerned in riotous or noisy assemblages or who are breaking the peace, or violating this act, or the by-laws, rules or ordinances of the village, arrest them, and forthwith convey them before the proper authority, to be dealt with according to law, and to keep and retain such persons in custody until committed or discharged. Said police constable shall have power to execute any warrant or process issued by justices of the peace of the county or counties* in which such village is situated. The said police constable shall be paid for his services the same compensation, to be audited and allowed in the same manner, as town constables for similar services, and also such extra annual salary, as chief of police, as the board of trustees shall direct.

Salary as chief of police, etc.

TITLE VI.

Assessors, to give notice of completing assessment. May correct same

SECTION 1. The assessors shall, on completing the assessment-roll, give ten days notice, by posting notices in five public places in the village, stating that they will, in the village, at a place and time stated, meet to hear and determine all complaints as to such roll. They shall have power and authority at such times to correct such roll as to them shall seem necessary, they shall file the same and a copy thereof with the clerk of the village.

Interest upon unpaid taxes, etc. Collection, how enforced.

§ 2. All taxes or assessments which shall remain unpaid for thirty days after the final return of said warrant shall bear interest at the rate of twelve per cent per annum from and after the date of such return, and shall be collected, as directed herein, either by the sale of the estate assessed, as herein provided, or by suit against the party liable to pay such assessment or tax.

Trustees may sell lands for

§ 3. When any person whose property or estate shall be assessed or taxed shall fail to pay the tax or assessment, and the collector cannot

* So in the original.

collect the same, and shall make return thereof, the trustees shall cause the estate so assessed to be sold at auction, for a term of time for the payment of such tax or assessment, giving four weeks notice of such sale, by putting up notices in five public places in the village and serving personal notice on the owner or agent of such estate, if a resident of such village, or upon the occupant thereof, and by depositing such notice in the post office directed to such owner, if a non-resident, at his reputed place of residence, if known, at least ten days before the day of sale, and the same shall be sold to the person who shall take it for the shortest time for the payment of such tax or assessment, with interest at seven per cent and the expense of such notice and sale. Before the time of sale the party liable for the tax, or his representative, may avoid the sale by paying the tax to the treasurer, with twelve per cent interest thereon and expense of said notice and sale.

unpaid tax, etc., on notice.

Manner of sale.

§ 4. Any time within a year after such sale, the owner or owners of the estate, or their representatives, may redeem the same by paying to the purchaser thereof (if he shall have paid the tax and interest and expense of sale) the tax, expenses, and interest thereon at twelve per cent per annum from the date of payment by the purchaser. In case the purchaser has not so paid them, by paying to the treasurer of the village the tax, expense of sale, and interest at twelve per cent per annum from the time the tax was returned unpaid, and notifying the clerk of such payment. If such tax, expenses and interest are not paid within one year from the date of sale, then the trustees shall deliver to the purchaser of the estate a certificate of such sale, under the seal of the corporation and signed by the president, the execution of which may be acknowledged or proved as a deed, and upon the receipt of such certificate the purchaser may proceed to serve upon the holder or owner of any lien upon such estate, or any part thereof, notices in writing in such sale, and that, unless redeemed within six months from the time of such service of notice, such certificate may be recorded in like manner and with like effect as in case of other conveyances of real estate. Such certificate shall be presumptive evidence of the statements contained in it, in all courts and places, actions and proceedings.

Redemptions.

Trustees, when to deliver certificate of sale to purchaser.

§ 5. The purchaser receiving such certificate, or his representatives, may, in case the land is not redeemed as herein provided, enter into and occupy the same during the term for which it was sold, and shall be at liberty, within the term aforesaid, to remove all the buildings and material he may erect or place thereon.

Purchaser, when to enter into possession.

§ 6. In case the collector shall return that a tax or assessment on any estate is unpaid, and he is unable to collect the same, the trustees are authorized and empowered, after the lapse of thirty days after such return, to prosecute a civil action against the owner or owners of such estate in the corporate name of the village, and recover judgment for such tax, with twelve per cent interest thereon, and all necessary cost and expense of such action; said trustees may cause a transcript of such judgment to be filed and such judgment docketed in the county clerk's office of the county wherein the village is situated, and the same, however small the amount, shall thereupon become a judgment of the county court, and be a lien upon all real estate of the judgment debtor situate in the county where such judgment is docketed; and such real estate may be sold on execution issued to the sheriff of the county where the judgment is docketed, if not collected out of the personal property of the debtor, in the manner provided by

Trustees may collect tax in civil action.

Judgment therefor, to be a lien upon lands.

Sale of lands therefor.

law; and all the provisions of law in reference to sale and redemption of real estate on execution shall apply to sales and redemptions under this act.

TITLE VII.

Village a separate highway district.
Powers of trustees as highway commissioners therein.
Proceedings for opening or altering streets, etc.
Notice of hearing objections thereto.
How served.
Proceedings upon hearing.

SECTION 1. This village shall constitute a separate highway district within its corporate limits, exempt from the superintendence of any one except the board of trustees, who shall be commissioners of highways in and for such village, and shall have all the powers of commissioners of highways of towns of this State, subject to this act, and, as such, they shall have power to discontinue, lay out, open, widen, alter, change the grade, or otherwise* improve roads, avenues, streets, public parks or squares, lanes, crosswalks and sidewalks; and for that purpose may take and appropriate any land in said village; but no road, avenue, street, lane or sidewalk, shall be opened or altered, unless all claims for damages on account of such opening or altering shall be released without remuneration, except upon the written petition of at least ten free-holders, residing in said village, which petition shall specify the improvement to be made, describe the land to be taken, state name of owner or owners thereof, when known, and shall be filed in the office of the clerk of the village. On the presentation of such petition, the trustees shall, and must meet, and examine the same; and, if they decide the improvement shall be made, they shall so decide by resolution, to be entered in the minutes of the board, and they shall thereupon post in five public places in said village, a correct description of the land to be taken to make such improvement, and a notice that the trustees, at a place, and on a day, and at an hour therein specified, not less than five days from the date and posting thereof, will meet and hear any objections that may be made to the taking of such land, or making such improvement; a copy of which notice must be served on the owner or owners of such land, at least five days before said meeting, unless said owner is a non-resident of such village; in which case, said notice and description must be deposited in the said village post-office, directed to said owner at least twenty days before such meeting. Any person interested may be heard, and introduce testimony before the board of trustees, as to the matter, on the day specified in the notice, or on such other days as the board may appoint. After such hearing, the trustees may deny such petition, or approve and declare by resolution, to be entered in their minutes, their intention to make the said improvements, and proceed to obtain possession of the lands described, in the manner provided by this act.

Damages for street improvement may be determined by agreement.
Proceedings in case of disagreement by jury.

§ 2. Whenever any road, avenue, street, square or park, lane or sidewalk is opened or altered, the damages claimed by reason thereof may be determined by agreement between the board of trustees and the persons claiming such damages; but in case the damages are not so determined or released, the board shall, on being notified by the president, as in case of a special meeting, or at a regular meeting, meet and cause a jury of six freeholders to be summoned to determine and award said damages. Five days notice of the time and place of such meeting shall be given to the owner or owners of such lands, if residents of the village, and if not such residents, then notice shall be sent ten days before such meeting, by mail, directed to the place of residence, if known, of such non-residents. The jury shall be sworn to faithfully and impartially execute their duty; shall examine the

* So in the original.

premises, hear the proofs and allegations of the parties, and reduce the testimony to writing, if any is taken; and they shall determine and award to the owner or owners of such lands such damages as they will sustain by the proposed alteration or improvement, after making allowance for any benefit which the said owner or owners may derive therefrom. The determination and award of the jury shall be signed by them and filed in the office of the village clerk, and a copy served on the persons entitled to such award. If no appeal is made within twenty days from the time of such service, the determination and award of such jury shall be final and conclusive on all persons interested. A copy of such award, certified by the clerk, under the seal of the village, shall be evidence of the same in all courts and places and all actions and proceedings.

Determination and awards, how filed, etc.
When to be conclusive.

§ 3. No trustee who is interested in any land taken for such alteration or improvement shall act with the trustees when sitting as a board to determine the damages, or to summon the jury to award damages, for taking such land.

Trustees not to sit when interested.

§ 4. Any person interested therein may, within twenty days after notice of the award of the jury, appeal from such award by petition to the county judge of the county where such village is situated, praying for the appointment of three commissioners, residing in said county to review said award of said jury. The person appealing shall execute a bond to the village in its corporate name in the penal sum of two hundred and fifty dollars, with two sureties who shall justify in twice the amount, conditioned for the payment of the fees of the said commissioners and costs of appeal, in case the award of the jury shall not be increased twenty dollars by said commissioners to each party appealing. Filing such bond with and serving a copy of said petition with a notice of the time when and place where the same will be presented to the said judge, or the village clerk, shall operate as a stay of proceedings until the decision of the commissioners thereon. All persons appealing from the award of the jury for damages, as to one single and continuous improvement or alteration, shall join in one petition, and may execute a joint and several bond in the sum of two hundred and fifty dollars, with sureties, and conditioned as hereinbefore mentioned, and there shall be but one board of three commissioners appointed to review the award of such jury. At the time mentioned in the notice, and when the commissioners are appointed, any person may be heard in the matter. The judge shall, on hearing the parties, appoint three disinterested electors as commissioners, residing in said county, but not in the village, to review the award of said jury, and determine and award the damages of the person or persons appealing. Immediate notice shall be given by some of the persons appealing to the persons designated as commissioners, and if anyone declines or is disqualified, the judge shall appoint some disinterested person an elector residing in said county but not in the village, to fill the vacancy. Said commissioners shall meet at said village within ten days after being notified of their appointment. They shall give the president of the village five days notice of the time and place of their meeting, shall be sworn to do their duty, shall have power to compel the attendance of witnesses by subpoena, shall examine the premises and hear the proofs and allegations of the parties, and shall award such damages to the parties appealing as they shall deem just. The award of the commissioners shall be signed by them and be returned to the president of the village within fifteen days after the first meeting of the commissioners, and shall be filed with the clerk. Said award shall

Appeals to county judge, from awards of jury.

Appointment of commissioners to review awards.

Their duties.

Awards of commissioners, how filed. To be final.

be final and conclusive on all persons interested, and the board of trustees may thereupon take possession of the land and make the said alteration or improvement. On declaring the award, the commissioners shall each be paid by the treasurer of the village three dollars per day for their services, and the amount so paid shall be collected by suit, if not otherwise paid, with other proper expenditures made by and for the village in and about such appeal on the bond referred to in this section given by the person or persons appealing, in case the person or persons appealing are liable to pay the costs of the appeal under the provisions of this act. In all cases of appeal under this section, the judge to whom the appeal is made, shall, by order, appoint guardians for any infant, lunatic or idiot interested in such proceedings.

Their compensation.

§ 5. Whenever a final award is made for damages sustained by reason of making such alteration or improvement the assessors may, within twenty days thereafter, assess the amount of such damages upon the estate, real and personal, in said village, and make out an assessment roll of such damages, which assessment-roll shall be signed

Assessment of taxes to pay awards.

Payment or tender of awards

When to be paid in to county treasury.

How drawn therefrom.

by the president and filed with the clerk and be collected in the same manner as the annual tax is collected, and the trustees shall, within one year from the time of such final award, pay or tender the amount of such damage to the persons to whom the same shall have been awarded; and in case such owner shall refuse the same, or be unknown, or a non-resident of said village, idiot or lunatic, or the rights and interests of persons claiming the same shall be doubtful, it shall in such case be lawful for the board of trustees to pay the amount of such damages to the county treasurer of the county where said lands are situated, for the benefit of such person or persons as may be entitled to the same, accompanied by a statement of the facts under which such payment was made. The board of trustees shall cause the clerk of said village to make an entry in the village records of the money deposited, stating amount, with the names of the parties by the award declared to be entitled to the same. On the proper person or persons being ascertained who are entitled to receive such money, the president of the village is authorized to draw an order on said county treasurer, countersigned by the clerk and payable to the order of the person or persons entitled to such money, for the amount due such person or persons.

TITLE VIII.

Power of inspectors at village elections.

Laws applicable

Certificate of election, how filed.

Village conveyances, how executed.

SECTION 1. At any election held in such village, the inspectors presiding, shall have the powers of town boards at the election of town officers; and all the laws applicable to such elections shall apply to any election held under this act, and the proceedings of the same, so far as applicable and not inconsistent with this act. The inspectors shall be subject to the provisions of this act as to elections.

§ 2. The inspectors presiding at any election in the village shall file their certificate of election within ten days after such election, with the village clerk, and such certificate, or a copy thereof certified by such clerk, with the seal of the corporation attached shall be presumptive evidence of the truth of the statements set forth in such certificate and of the validity of such election, in all courts and places, actions and proceedings.

§ 3. All conveyances by the village, shall be in its corporate name, and be executed by the president thereof, authorized by resolution of the board of trustees, with the corporate seal annexed.

§ 4. The return of any tax or assessment by the collector to the village clerk as unpaid, or a copy of the same certified by said clerk, with the corporate seal attached, shall be presumptive evidence of the truth of the statements in such return, in all courts and places and in all actions and proceedings. And any assessment-roll filed with the clerk, or a copy of the same certified by him, with the corporate seal attached, shall be presumptive evidence of the contents thereof, and regularity of such assessment, in all courts and places, actions and proceedings, and of the right to levy any tax or make any assessment therein mentioned.

Return, or unpaid tax or assessment roll, to be evidence, etc.

§ 5. All actions brought to recover any penalty or forfeiture under this act, or under the rules, by-laws and ordinances made in pursuance of it, shall be brought in the corporate name of the village, and in such action, it shall be lawful to declare or complain generally for such penalty or forfeiture, stating the section of this act, or rule, by-law or ordinance under which the penalty or forfeiture is claimed, and briefly setting forth the violation thereof for which the complaint is made.

Actions for recovery of penalties, etc., how brought.

§ 6. The first process in any suit brought by the village for a penalty under this act, or a rule, by-law or ordinance adopted by the board of trustees in pursuance of said act, shall be a summons or warrant. If the defendant in such action has no property, personal or real, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in the Onondaga county penitentiary for a term not exceeding ten days.

First process to be by summons or warrant.

Judgment, how enforced.

§ 7. The affidavit of the party publishing or posting any notices required to be posted or published by the provisions of this act, or by any rule, by-law or ordinance made in pursuance thereof, of such posting or publishing, shall be deemed presumptive evidence thereof in all courts and places, and in all actions and proceedings.

Affidavits of posting or publication.

§ 8. In actions brought by or against the village, it shall not be an objection against the person acting as justice or juror in any such action, that he is a resident of the village, or subject to taxation therein.

Competency as jurors, etc.

§ 9. Any officer or person who shall assume to create a liability or appropriate any money or property of the village, contrary to the provisions of this act, or shall assent thereunto, shall be personally liable for such debts or liability, and to the village for such money or property; and each of the trustees present when such violation shall have been committed, shall be deemed to have assented thereunto unless he shall express his dissent and request the same to be entered upon the record of proceedings. Any willful violation of this section shall also be a misdemeanor.

Personal liability of officers, etc., incurring village debt, etc.

§ 10. No member of the board of trustees shall be interested in any contract to which the village shall be a party.

No interest in contracts.

§ 11. The board of trustees shall cause to be kept a record of its proceedings; all votes shall be taken by ayes and noes, when required by one of the trustees, and shall be entered in such record, and such record shall contain the names of the members of the board present and voting on any question, and the affirmative and negative votes of the members so voting.

Records of trustees proceedings.

§ 12. When any person complained against as a vagrant, disorderly person, riotous person, or person keeping a disorderly house or house of ill-fame or assignation or prostitution, under the provisions of this act, or any rule, by-law, or ordinance made in reference to such persons under this act, shall be brought before an officer having jurisdiction of such matters, he shall proceed summarily forthwith to hear, try and determine the complaint against said person, as provided by law for

Vagrants and disorderly, etc., proceedings for trial of, upon arrest.

the offense on which said person is arrested, or such officer, may, in his discretion, adjourn the hearing on the cause shown, not to exceed five days, and in the meantime commit the offender to the village lock-up or place of confinement or county jail, until such day, or suffer him or her to go at large on executing a bond approved by the said officer, conditioned that he or she will appear on the adjourned day, when trial shall be had.

Forfeited for refusal to surrender moneys, records, etc., of village.

§ 13. In case any person having been an officer of the village, shall refuse or neglect to deliver to his successor in office, within ten days after notification and request, all the moneys, books, papers, records, property and effects of every description in his possession or under his control belonging to such village or appertaining to his office, he shall forfeit and pay for the use of the village the sum of twenty-five dollars for each and every day he shall so neglect or refuse, and also all damages caused by such refusal or neglect, to be recovered by suit by such village.

Ordinances, by-laws, etc., how read in evidence.

§ 14. Every ordinance, by-law, rule, resolution or proceeding of the board of trustees may be read and received in evidence in all courts of justice and in all places and in all actions or proceedings, either from the original record, kept by the clerk of said village, or from a copy of such ordinance, by-law, rule, resolution or proceeding, certified under the corporate seal by the clerk, or from a printed volume containing such ordinance, by-law, rule, resolution or proceeding, with the certificate of the clerk, that such volume contains a correct copy of such ordinance, by-law, rule, resolution or proceeding, and that the same was printed under authority of the board of trustees.

"Vagrant," defined.

§ 15. The term vagrant, as used in this act, comprises the persons described in part one, chapter twenty, title two, section one of the Revised Statutes.

"Disorderly persons," defined.

§ 16. All persons found intoxicated in the streets of the village, or persons who shall be guilty of noisy, riotous or tumultuous conduct, disturb the quiet and peace of the village or of any meeting or assembly therein; all persons who shall willfully give a false alarm of fire; all persons who shall publicly use any profane, vulgar or obscene language or conduct in any street or public place in said village; all persons who shall willfully and maliciously break, mar, injure, remove or deface, any building, fence, awning, sign, signboard, tree, shrubbery or other ornamental thing in said village; all persons who shall remove from, or pile up before any door, or on any sidewalk or street, boxes, chests or other things for the purpose of annoyance or mischief, or who shall willfully tear down, destroy or mutilate any notice or handbill lawfully posted up in said village; all persons who shall incite or induce dogs to fight in any of the streets or public places in said village; all persons, who, at the time of any fire in said village, shall be guilty of any insubordination or of any disorderly conduct, or who shall attempt to obstruct the operations of the fire department, or shall willfully neglect or refuse to obey, or attempt to prevent or obstruct the execution of the orders of the trustees or officers of the fire department, shall be deemed and are hereby declared to be, disorderly persons under this act, and under any rule, by-law or ordinance adopted in pursuance thereof for the punishment of disorderly persons.

Trustees, etc., may arrest vagrants, etc.

§ 17. Any trustee or any police constable is hereby authorized to arrest any vagrant or disorderly person, with or without process, and take him or her forthwith before the proper officer. If such officer cannot be found, the persons arresting may detain the person arrested,

not to exceed twenty-four hours, until the proper officer to try such person is found.

§ 18. Every assessment made by the assessors of the village shall be and remain a lien on the lot or lands assessed, in the same manner, and to the same effect as town and county taxes, from the time of filing the assessment-roll as herein directed, until paid or otherwise satisfied. Assessment by village assessors, effect of

§ 19. No person shall hold, at the same time, more than one of the offices created by this act, unless otherwise provided herein. One office only.

§ 20. Whenever any real estate in said village is owned by two or more persons jointly, or as tenants in common, a notice served on one of such persons, shall be sufficient notice to all, and for any purposes requiring a notice under this act, and whenever said owners reside out of the village, it shall be sufficient to serve such notice on the occupant or lessee of such real estate, except as herein otherwise provided. Service upon joint owners, etc.

§ 21. All resignations of any officers under this act, shall be made to the trustees, subject to their acceptance. Resignations.

§ 22. If at the end of the financial year, there shall be a surplus of funds with the corporation, over and above the expenses of the year, such surplus shall be applied to the next year's expenses. Surplus.

§ 23. The president and trustees of the village shall not receive any compensation for their services as such. No compensation.

§ 24. Nothing in this act giving the board of trustees of the village power to make and repair bridges within the village bounds, or making them commissioners of highways, or making the territory of the village a separate highway district subject to the board of trustees alone, shall be construed as divesting the commissioners of highways for any town in which a bridge may be located, of power or control over the same, or as relieving such town from the expense of constructing or repairing any bridge within its bounds, though such bridge may be within the territorial limits of the village. In case the board of trustees of the village shall think proper to construct or repair, and shall construct or repair, any bridge within the corporate limits, then the expense of such work shall be a charge on the taxable property of the village, and be paid out of the corporate funds. Bridges, powers of town highway commissioners, as to.

TITLE IX.

SECTION 1. All former acts incorporating the village of Baldwinsville, and the amendments thereto, are hereby repealed, but this repeal* shall not effect the boundaries of said village as surveyed by the late George W. Robinson, as fully designated by survey and stone monuments, or any act done, right acquired, or privilege granted, but the same shall remain as valid and effectual as if the said acts hereby repealed had remained in force, and the corporation hereby created, succeeds to all the property, right and duties, as the corporation heretofore known as the village of Baldwinsville, subject to the provisions of this act. Repeal.

§ 2. The persons in office at the time of the passage of this act, shall hold their respective offices until the election to be held on the first Tuesday in March, eighteen hundred and eighty-nine, and until others are elected in their places and duly qualified. Terms of present village officers.

§ 3. This act shall take effect immediately.

* So in the original.

Chap. 331.

AN ACT to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction."

APPROVED by the Governor May 19. 1888. Passed, three-fifths being present.

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

SECTION 1. Section fifteen of title one of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction," is hereby amended so as to read as follows :

§ 15. He may grant under his hand and seal of office, a certificate of qualification to teach, and may revoke the same. While unrevoked, such certificate shall be conclusive evidence that the person to whom it was granted is qualified by moral character, learning and ability, to teach any common school in the State. Such certificate may be granted by him only upon examination. He shall determine the manner in which such examination shall be conducted, and may designate proper persons to conduct the same, and report the result to him. He may also appoint times and places for holding such examinations, at least once in each year, and cause due notice thereof to be given. He may also, in his discretion, issue a certificate, without examination, to any graduate of a college or university who has had three years' experience as a teacher. Such last-mentioned certificate shall be known as the "college graduate's certificate," and may be revoked at any time for cause. He may also, in his discretion, indorse a diploma issued by a State Normal School or a certificate issued by a State Superintendent or, State board of education in any other State, which indorsement shall confer upon the holder thereof the same privileges conferred by law upon the holders of diplomas or certificates issued by State normal schools or by the State Superintendent in this State. He may also issue temporary licenses to teach, limited to any school commissioner district or school district, and for a period not exceeding six months, whenever, in his judgment, it may be necessary or expedient for him to do so.

§ 2. Title one of said act is hereby amended by adding thereto a new section as follows :

§ 20. The Superintendent may administer oaths and take affidavits concerning any matter relating to the schools.

§ 3. Title two, section thirteen, subdivision three, is hereby amended so as to read as follows :

3. Upon such examination, to direct the trustees to make any alteration or repair on the school-house or out-buildings which shall, in his opinion, be necessary for the health or comfort of the pupils, but the expense of making such alterations or repairs shall, in no case, exceed the sum of two hundred dollars, unless an additional sum shall be voted by the district. He may also direct the trustee to make any alterations or repairs to school furniture or when in his opinion any furniture is unfit for use and not worth repairing, or when sufficient furniture is not provided, he may direct that new furniture shall be provided as he may deem necessary, provided that the expense of such

Supt. of Public Instruction, powers of, as to State certificates.

Examinations therefor.

College graduate certificates
Indorsement of certain State certificates of other States
Temporary licenses.

Supt. may administer oaths,
Powers of school comrs.

To direct trustees to make repairs of school buildings, etc.

Repair or purchase of furniture.



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L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE
ONE HUNDRED AND TWELFTH SESSION

OF THE
LEGISLATURE,

BEGUN JANUARY FIRST, 1889, AND ENDED MAY SIXTEENTH, 1889,
IN THE CITY OF ALBANY.



ALBANY:
BANKS & BROTHERS, PUBLISHERS.
1889.

CHAP. 118.

AN ACT to empower the trustees of Cambridge Washington Academy to transfer the property of said academy to union school district number one of Cambridge.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 9, 1880. Passed, three-fifths being present.

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

Transfer
to union
school
district,
author-
ized

Conditions
and pro-
visions
thereof.

SECTION 1. The trustees of Cambridge Washington Academy, of Cambridge, Washington county, are hereby empowered to transfer by deed to the board of education of union school district number one of Cambridge, in said county, all the real estate and personal property belonging to said academy, such deed to contain a clause requiring the board of education of union school district number one of Cambridge to thereafter maintain an academic department in connection with said school; to recognize and give effect to the scholarships heretofore granted by the trustees of the said Cambridge Washington Academy; and such other provisions as the said trustees of the Cambridge Washington Academy may deem to be necessary to secure the perpetuity of the school and the preservation of the property.

§ 2. This act shall take effect immediately.

CHAP. 119.

AN ACT to amend, revise and consolidate the laws in relation to the village of Penn Yan, in the county of Yates.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 9, 1880. Passed, three-fifths being present.

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

Village
incorpora-
tion acts,
revised
and con-
solidated.

SECTION 1. Chapter two hundred and fifty-eight of the laws of one thousand eight hundred and sixty-four, and chapter four hundred and forty of the laws of one thousand eight hundred and sixty-seven, and chapter one hundred and ninety-one of the laws of one thousand eight hundred and seventy-three, and chapter one hundred and ninety-two of the laws of one thousand eight hundred and seventy-nine, and chapter eighty-one of the laws of one thousand eight hundred and eighty, and chapter three hundred and thirty-one of the laws of one thousand eight hundred and eighty-two, in which is contained the charter of Penn Yan, and all acts amendatory thereto, are hereby amended so as to read as follows:

TITLE I.

Village
bounda-
ries.

SECTION 1. All that district of country, in the county of Yates, and towns of Jerusalem, Milo and Benton, included in the following

bounds, namely: Beginning at the southwest corner of Lake View cemetery on the north side of the highway leading from said village of Penn Yan to the village of Branchport; thence south eleven and one-half degrees east forty-nine chains to a post in the south line of lands of Charles D. Welles; thence along said south line, and in a direct line therewith, south eighty-two degrees east nine chains and thirty-eight links; thence easterly to and along the north line of Boundary street, and in a direct line therewith, north sixty-two degrees east ninety-five chains and fifty links to the east line of lot number thirty-two; thence along said lot line north five and a quarter degrees east fifty-three chains and twenty-five links to the town line of Milo and Benton; thence along the town line north eighty-two and one-half degrees west twenty-one chains and thirty-eight links; thence north six and a quarter degrees east twenty-six chains; thence north eighty-five and three-quarters degrees west seventy-three chains and six links; thence south three and three-quarter degrees west sixty-six chains and eighty-seven links to the north side of the recent addition to said cemetery; thence north eighty-nine and a half degrees west along the north of said cemetery thirteen chains and seventy-one links to the northwest corner thereof; thence south thirteen degrees east fifteen chains and seventy-nine links to the place of beginning, shall hereafter be known by the name of, and shall be "The Village of Penn Yan," and the inhabitants residing therein shall be a corporation by the name of "The Village of Penn Yan."

Corporate name of village.

§ 2. The said village shall be divided into six districts or wards, as follows: The first ward shall be all that part of said village included within the following bounds: Beginning in the center of Main street, at a point where it intersects the northern boundary line of the village of Penn Yan; thence southerly along the center of Main street, to a point which is the intersection of the center of Main and Chapel streets; thence westerly along the center of Chapel street to the end thereof; thence due west to the western boundary of said village; thence northerly along the west line of said village, to the north line of said village; thence easterly along the north line of said village to the place of beginning.

First ward or district, boundaries of.

The second ward shall be all that part of the village included within the following bounds: Beginning at the intersection of the center of Main street with the center of Clinton street; thence northeasterly along the center of Clinton street to the end thereof; thence due east to the corporation line; thence northerly and westerly along the corporation line to the center of Main street; thence southerly along the center of Main street to the place of beginning.

Second ward.

The third ward shall be all that part of said village included within the following bounds: Beginning at the intersection of the center of Main street with the center of Chapel street; thence westerly along the south line of the first ward to the western boundary of the village; thence southerly along the west line of the village to the center of the outlet of Keuka lake; thence easterly along the center of the outlet to the center of Main street; thence northerly, along the center of Main street, to the place of beginning.

Third ward.

The fourth ward shall be all that part of said village included within the following bounds: Beginning at the intersection of the center of Clinton street with the center of Main street, thence northeasterly along the center of Clinton street to the end thereof, thence due east to the corporation line; thence southerly along the corporation line to the center of Jacob street; thence westerly along the center of Jacob street

Fourth ward.

to the center of Main street; thence northerly along the center of Main street to the place of beginning.

Fifth ward.

The fifth ward shall be all that part of said village included within the following bounds: Beginnings* at the southeast corner of the third ward; thence westerly along the south line of the third ward to the corporation line; thence southerly along the corporation line to the southwest corner thereof; thence easterly along the corporation line to the center of East Main street, and from thence northwesterly along the center of East Main and Main streets to the place of beginning.

Sixth ward.

The sixth ward shall be all that part of said village included within the following bounds: Beginning at the intersection of the center of Main street with the center of Jacob street, thence easterly along the center of Jacob street to the eastern boundary of the village; thence southerly along the corporation line to the south line of the village; thence southwesterly along the corporation line to the center of East Main street; thence westerly and northerly, along the center of East Main street and the center of Main street to the place of beginning.

Alteration of ward boundaries, proceedings for.

§ 3. The board of trustees may, two years after the passage of this act or at any time thereafter by a five-sixths vote of all the trustees, alter the boundaries of said wards from time to time, as they may deem the same to be necessary or proper. Such division and any alteration shall at once be published in a village newspaper once a week for a time not less than four weeks in succession. Such division or alteration shall take effect immediately after the expiration of such four weeks of publication.

TITLE II.

Village and district officers.

SECTION 1. The officers of the village shall be a president, six trustees, one of whom shall reside in each district, one clerk, one treasurer, three assessors, one street commissioner, one chief of police, one collector, three fire wardens, one pound master, three commissioners of the cemetery grounds belonging to the village, six inspectors of election, one of whom shall reside in each district, one chief engineer, two assistant engineers and a secretary, who shall also act as treasurer of the fire department. The president, trustees, treasurer, assessors, collector, cemetery commissioners, and engineers and secretary of the fire department, shall be elected by ballot of the electors of said village.

Elective officers.

Eligibility to office.

§ 2. No person shall be eligible or appointed to any office unless he shall be, at the time, a resident and elector in said village and of the district for which he is chosen, and whenever any officer of said village shall cease to be a resident of said village, or shall resign to the board of trustees, his office shall thereby become vacant.

Vacancies.

Qualifications of voters.

§ 3. Every inhabitant residing in said village who shall, at the time and place of offering his vote, be qualified to vote for Member of Assembly, shall be entitled to vote at all elections for officers of said village.

Annual village elections.

§ 4. The election under this act for the village shall be held annually on the third Monday of March, at such place in each district as the board of trustees shall appoint, and six days notice shall be given of such election, by publishing the same in one or more of the village papers.

Wards to be election districts.

§ 5. There shall be an election poll in each of said six districts. At the first election to be held under the provisions of this act, the

* So in the original.

electors of each ward, there assembled, shall appoint a chairman to preside, who shall be inspector of elections therein. At all the elections thereafter, the trustees* of each ward shall preside at such polls and shall be inspector of elections therein. In case the trustee of any ward shall not be present at the poll of such ward at the hour appointed for its opening, the electors of said ward there assembled may appoint a chairman to preside, but no nominee for the office of trustee from such district shall be such presiding officer. The presiding officers and inspectors of election at such elections are hereby authorized to preserve order, judge of the qualifications of the electors, canvass the votes and make the returns as specified by this act; and all powers granted to inspectors of election by the election laws of this State, are hereby conferred upon them for the purposes of such charter elections. The presiding officer of each poll at such elections shall appoint a clerk of such election. The polls of said election shall each be open at one o'clock in the afternoon, and shall continue open without intermission until five o'clock in the afternoon, when they shall be closed. There shall be two ballot-boxes at each poll, the one labeled "village," the other labeled "ward." Each voter shall vote in the ward or district in which he resides at the time of offering his vote. Each voter may vote two tickets; the one of said tickets shall contain the names of all the village officers elected at such election, for whom the elector offering the vote desires to vote, except the trustee and inspector of election for that district. The other of said tickets shall have the names of the trustee and inspector of election for that district for whom the elector may desire to vote. Each trustee and each inspector of election can only be voted for by the electors resident in his district, and the person receiving the largest number of votes for trustee cast in his district shall be thereby elected, and the person receiving the largest number of votes for inspector of election cast in his district shall be thereby elected. All other village officers receiving the highest number of votes cast for that office in all six districts shall be declared elected. Said ticket may be written or printed, or partly written and partly printed, and shall state the office for which, and the name of the person for whom the elector desires to vote. The one containing the names of trustee and inspector of elections for that district shall be labeled "ward," and shall be deposited in the ballot-box labeled "ward." The other ticket shall be labeled "village," and shall be deposited in the ballot-box labeled "village." Immediately on closing said polls the presiding officer and the inspector of elections at each of said polls shall forthwith without adjourning canvass the votes cast at such election at that poll, and shall make and certify two complete and accurate statements thereof, and forthwith file one of such statements with the clerk of said village, and the other with the clerk of the county of Yates. On the next day after any election the board of trustees of said village shall convene as a board of canvassers, at two o'clock in the afternoon, and proceed to examine said statements or returns of said election held the day before, and from such statements and returns they shall determine and decide who were elected officers of the village at such election as hereinbefore provided. In making such determination they shall allow each candidate any vote that it is apparent was intended for him, although the name may be misspelled or not fully written out. The clerk of the village shall thereupon enter at large upon the records of said village the said statements and returns and the decision of the board of trustees thereupon and file the

Presiding officer at elections.

Elections, how conducted.

Polls, how long open.

Ballot-boxes.

District officers, how voted for.

Ballots.

Canvass and statement of result, how filed.

Trustees to act as village board of canvass.

Determination, how made, filed and recorded.

* So in the original.

original statements in his office and notify the persons thus declared and decided elected of their election.

Vacancies,
how filled.

§ 6. If any vacancy shall occur in any office, except elective offices, the board of trustees, or those remaining in office, shall fill the same by appointment in writing. If any vacancy shall occur in any elective office, the board of trustees or those remaining in office shall, by appointment, fill the same until the next annual village election, and if the time of office of such vacancy shall not then end, there shall be elected at such election some person to fill the balance of such vacancy to be so designated on the ballot.

Willful
neglect,
creates
vacancy.
Oaths of
office,
when filed.

§ 7. If any officer shall willfully neglect or refuse to perform his duty as such, the board of trustees may declare his office vacant.

§ 8. Every officer of this village whether elected or appointed shall, before entering upon the duties of his office, take the oath of office prescribed by the Constitution of the State and file the same with the clerk of the village; and every person so elected, who shall refuse or neglect to take or file the said oath of office for ten days after personal notice in writing from the clerk of his election, shall be deemed to have declined the office.

Appoint-
ive offi-
cers.

§ 9. The board of trustees shall, at its first meeting in each year, or as soon thereafter as convenient, and as often as a vacancy shall occur, appoint a chief of police, clerk, three fire wardens, one pound master and such other appointed officers as shall be authorized by this act.

Official
bonds of
certain
officers,
how ap-
proved.

§ 10. All persons appointed to office shall be notified of their appointment by the village clerk. The treasurer, clerk, collector, secretary of the fire department, and such other officers as may be required by the board of trustees, shall, before they enter upon the duties of their respective offices, execute and file with the village clerk a bond to the trustees of the village of Penn Yan, in such sum and with such sureties as the board of trustees shall approve, conditioned that they will faithfully execute the duties of their respective offices, and account for and pay over all moneys received by them respectively.

Appointive
officers,
terms of.

§ 11. All officers appointed under this act, except elective officers, shall hold their respective offices until the annual election in each year, unless sooner removed or disqualified, and until their successors shall qualify; but the board of trustees may remove at pleasure any such officers appointed by them.

Elective
village and
district
officers,
terms of.

§ 12. At the next annual election held in and for said village, after the passage of this act, the president and all other elective officers shall be elected, all of whom shall hold their respective offices for one year, except the president and commissioners of the cemetery grounds. The president shall hold his office for two years and until his successor shall duly qualify. At every annual election there shall be elected six trustees, one of whom shall reside in each district, who shall hold their office for one year and until their successors shall qualify; also, one treasurer, three assessors, one collector, one chief engineer, two assistant engineers and one secretary of the fire department, all of whom shall hold their respective offices for one year. After the first annual election under this act, the president shall be elected every two years.

State elec-
tion laws,
how appli-
cable.

§ 13. The provisions of the act concerning elections, other than for militia and town officers, passed April fifth, one thousand eight hundred and forty-two, with the amendments and additions thereto, are hereby declared applicable to the said village of Penn Yan, and to the

elections held under this act, except so far as they are inconsistent with the other provisions of this act.

§ 14. If any person, having been an officer in said village, shall not, within ten days after notification and request, deliver to his successor in office all the property, papers and effects of every description in his possession, or under his control, belonging to said village, or appertaining to the office that he held, he shall forfeit and pay for the use of the village one hundred dollars, besides all damages caused by his neglect or refusal so to deliver. And said trustees are hereby authorized to bring an action in the name of the village to recover the same.

Penalty, for refusal to surrender records and property to successor.

TITLE III.

SECTION 1. The president and trustees of said village shall constitute the board of trustees of said village. The president shall preside at all meetings of the board and fire department board, and shall have a casting vote in case of a tie upon every question properly pending before and being determined by the said board of trustees. In case of his absence from any meeting of the board, the trustees attending shall choose one of their own number to preside, and perform the duties of the president in his absence. It shall be the duty of the president to order special meetings of the trustees whenever, in his judgment, it shall be necessary, and to see that the laws of the State and village are properly executed therein. He shall be the head of the police, and see that good order is preserved in said village. The president or any member of the board of trustees may arrest any person committing any offense against this act, or any ordinance or by-law of the village, in his presence, without process, and bring him before a magistrate, to be dealt with according to law.

Board of trustees.
Village president, powers and duties of.

§ 2. The board of trustees shall hold a regular meeting at least once in each month, and in addition to the regular meetings, special meetings may be held, whenever called by the president or by any two trustees, by a written notice to each member of the board, to be served personally or by leaving the same at his place of residence.

Meetings of trustees.

§ 3. The board of trustees shall have the management and control of the finances, and of all the property, real and personal, belonging to the corporation, except as hereinafter provided.

Control of village property, etc.

§ 4. The board of trustees shall have power to make by-laws and ordinances to carry out the purposes of this act, and to make such general ordinances, by-laws and regulations, not inconsistent with the general laws of the State, as they shall deem expedient for the good government of the village, and whenever by the provisions of this act the board of trustees pass any ordinances on any subject, they may prescribe the penalty, not exceeding one hundred dollars, for a violation thereof.

Ordinances and by-laws, passage of.

Penalty, for violation of

§ 5. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, by-laws, or police regulations made in pursuance of it, shall be brought in the corporate name, in which it shall be sufficient to state the section and title of this act, or the by-law or ordinance under which the penalty is claimed, and if any judgment shall be recovered for any penalty imposed by any ordinance or by-law, and the defendant in any such action have no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in close custody in the jail of Yates county for a term not exceeding sixty days. All expenses incurred in prosecuting or defending any action

Actions for recovery of penalties, how brought.

Recovery, how enforced.

by or against the corporation, or any officer thereof, for acts done in the discharge of his duty as said officer, shall be defrayed by the corporation. All penalties and forfeitures, when collected, shall be paid to the treasurer for the use of said village.

Village ordinances, how published and recorded.

§ 6. All the ordinances and by-laws of the board of trustees shall be published in one or more of the village papers for two successive weeks before they shall take effect. The village clerk shall make and sign an entry or record, in a book to be provided for that purpose, of every ordinance and by-law enacted by the board of trustees, and of the time of such first publication; and a copy thereof certified by such clerk, shall be presumptive evidence in all courts and places of the due passage of such ordinances and by-laws, of their having been duly published, and of the time of their first publication.

Records of trustees, how read in evidence.

§ 7. The original books of records and minutes, of the proceedings of the board of trustees of said village may be read in evidence in all courts, and in all judicial proceedings, as evidence of any thing therein contained and required to be recorded or entered therein.

Powers of trustees.

§ 8. The trustees shall have power as to acts and matters within the corporate bounds to make, publish, amend and repeal rules, ordinances and by-laws for the following purposes:

To define duties of village officers, etc.

1. To declare and define the duties and manner of discharging the same, of all officers of the corporation whose duties are not specially described by this act, and to add to the duties of those officers whose duties are thus prescribed, if the board of trustees deem necessary and to fix the compensation of such officers, if not fixed by this act.

To prevent vice, and restrain disorderly houses.

2. To prevent vice and immorality, preserve the public peace and order, to restrain and suppress disorderly houses and houses of ill-fame or of assignation, gaming-houses, and instruments and devices for gaming.

Police.

3. To establish and maintain a police and prescribe their powers and duties.

Vagrants and disorderly persons.

4. To apprehend and punish common prostitutes, vagrants and disorderly persons, and persons unnecessarily congregated upon the sidewalks or corners, or disturbing a public assembly.

Village attorneys.

5. To employ an attorney or attorneys for the transaction of any matter requiring legal skill.

Incumbering of streets.

6. To prevent incumbering the streets, squares, sidewalks, crosswalks, lanes and alleys with any material whatever.

Encroachments, removal of.

7. To prevent or regulate any encroachment, or the erection of any projection from or opposite of any building in or over or upon any of the streets or sidewalks, and cause the same to be removed at the expense of the owner or occupant of the premises.

Public pound.

8. To establish and maintain a public pound, and appoint a keeper thereof, and to regulate his compensation and fees.

Animals, running at large of.

9. To restrain the running at large of sheep, cattle, horses, swine, geese, other animals, and to authorize the distraining, impounding and sale of the same for the penalty and costs of keeping and proceedings.

Street lighting.

10. To provide for the lighting of the streets and safety of the lamps.

Dangerous amusements, to prevent.

11. To regulate and prevent any act, amusement or practice endangering property or person on the streets, sidewalks or public grounds. And to require the owner or lessee of any public hall or opera house, before being let for public use, to obtain from such board of trustees a written annual permit, which shall be granted, provided such hall or opera house has suitable and safe means of ingress and egress in

Permits for public halls.

case of panic or fire, but not otherwise, provided in such case no liability shall be incurred by such village by reason of such license or permit. The owner or lessee of any public hall or opera house shall have thirty days in which to procure such permit after such ordinance becomes operative.

12. To regulate and prevent the running at large of dogs in the vil- Dogs.
lage.

13. To regulate swimming and bathing in the waters within and Bathing.
bounding the village.

14. To prevent immoderate riding or driving within the corporate Fast driv-
limits, leaving horses untied in the streets, and to authorize any officer to stop any one guilty of such riding or driving in the streets. ing, etc

15. To regulate the time, place and manner of keeping and selling Sale of
meats, fish, vegetables, and other agricultural products, and the loca- meat, fish,
tion of slaughter-houses and places and houses for the storing of gun- powder,
powder or other explosive material. etc.

16. To compel the removal and abatement of any public nuisance, Nuisances,
and if not done within such time as the trustees may allow, to cause abatement
the same to be removed or abated at the expense of the village, and of.
to declare such expense to be a lien upon the lot on or in front of
which it was, and to enforce the collection of such expense by leasing
the premises in the manner prescribed in this act for the collection of
unpaid taxes, or by action against the owner or occupant of such lot,
or any other person who maintains or controls such nuisance.

17. To prohibit or regulate all exhibitions or performances for money Exhibi-
or hire, or authorize the same, on such terms as the trustees shall deem tions for
expedient. hire.

18. To restrain, regulate or prevent hawking and peddling in the Peddlers,
streets; to regulate, restrain or prohibit sales by auction and grant auction-
licenses to peddlers and auctioneers and fix the amount to be paid eers and
therefor; to regulate the use and running of all hacks, public carriages hackmen,
or vehicles for the conveyance of passengers, baggage or movables of licensing
any kind, for hire through the public streets; to designate there places of.
and waiting, and grant a license to the owners or proprietors thereof,
and fix the amount to be paid for the same.

19. To regulate the use of candles, kerosene or burning materials of Use of
any kind, or lights or fires in barns and stables, and other places liable lights in
to take fire. barns, etc.

20. To prevent and punish the discharge of firearms, rockets, gun- Fireworks
powder and fireworks in the roads and avenues, lanes, streets and public and fire-
places of the village, or vicinity of any building therein. arms, dis-
charge of.

21. To keep correct time for the public convenience. Town
clock.

22. To authorize and require the fire wardens to enter all buildings Fire ward-
and inclosures, at proper times, to ascertain whether their arrange- ens, duties
ments for fire, or the preservation of ashes, are dangerous, and to cause of.

such as are dangerous to be put in a safe condition. The board of trust-
tees shall also have power, by ordinance, from time to time, to pre-
scribe limits in said village, within which wooden buildings shall not
be erected or placed without their permission, granted, by the affirma-
tive vote of five-sixths of all the members present at a regular meet-
ing, and the written consent of those who may not be present, and to
direct that all buildings within the limits prescribed shall be con-
structed of stone or brick, or concrete, with stone, brick or concrete
partition walls, fireproof roofs, and brick, stone or iron cornices and
eave troughs, and to regulate the construction of chimneys, under
such penalties as may be prescribed, not exceeding one hundred dollars

Fire limits
and build-
ings there-
in.

Precau-
tionary
measures
to prevent
fires.

for any one offense, and the further sum of twenty-five dollars for each and every week any building so prohibited shall be continued. And every building erected or placed contrary to such ordinance is hereby declared to be a common nuisance, and may be abated as such. They shall have power by ordinance to compel the sweeping and cleaning of chimneys, flues, stove-pipes, and all other conductors of smoke; to prevent a dangerous construction or condition of chimneys, fire-places, hearth-stoves,* stove-pipes, ovens, boilers, and apparatus used in any building or manufactory, and to cause the same to be removed or placed in a safe condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants of said village to provide fire-buckets, and to regulate the use of them in case of fire; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs and ladders leading to the same, and to remove, or cause to be removed all wooden awnings or verandas to or in front of buildings within the limits which they shall prescribe, and to prevent further building or erecting the same; and generally to establish and prescribe such regulations for the prevention and extinguishment of fires as they may deem expedient.

Engine-
houses,
town-
house,
etc.

23. To erect, maintain and repair all engine-houses, town-house or other public building necessary for the corporation. To aid in the erection of any public building which it shall be necessary to occupy in part or wholly for the business of said village or its officers, or to lease any building or premises for the same purpose.

Village
trustees,
powers as
to street
grading,
paving,
etc.

§ 9. The trustees of said village shall have the power to cause the sidewalks on the streets and highways within the said village, or any or either of them, or any part thereof, to be graded, leveled, raised, graveled, stoned, paved, flagged, planked and repaired, and to compel the owners or occupants of any lands or lots adjoining such streets or highways to make such improvements upon the sidewalks as aforesaid, in front of or adjoining said land or lots, and to determine and prescribe the manner of doing the same, and the materials to be used therein, and the quality of such materials. And for the purpose of carrying into effect the foregoing provisions of this section, the said trustees shall cause to be served an order or notice, in writing or printed, or in part both, to be signed by the clerk of said village, upon either owner or occupant of said land or lot, in case said owner or occupant resides in said village; and if neither said owner or occupant are residents of said village, then said order or notice shall be served by posting the same in three public places in said village, and placing the same in some conspicuous place on said lot, describing particularly the improvement to be made, the manner in which the same is ordered to be done, and the materials which shall be used, and the quality thereof, if they deem proper, and setting forth the time within which the same shall be completed; and in case the said improvement shall not be made and completed within the time, and in the manner prescribed in such order or notice, the said trustees may cause such improvement to be made or completed in the manner specified in such order or notice, and the expenses thereof, with ten per cent thereon, may be by them assessed on such lots respectively, and shall be a lien thereon, and may be collected by warrant to be issued in the same manner as is herein provided for the collection of other taxes and assessments in said village, and as often as occasion may require. The expenses aforesaid incurred by the trustees, with ten per cent thereon,

Service of
notice
upon own-
ers of
adjacent
lands.

Trustees
may make
improve-
ments, if
land-own-
er refus-
es.

Expense
to be a
lien.

How col-
lected

* So in the original.

may also be sued for and recovered by action, together with interest thereon, and costs of suit, from the owner or occupant of any lot adjoining which such improvements may have been made, and on which they are chargeable. It shall be the duty of the owner or occupant of any land or lots adjoining any street or highway in said village, at all times (and without service on such owner or occupant of any notice or order) to keep the sidewalks on the streets and highways within said village in front of or adjoining said land or lots, at all times free and clear from snow; and in case any owner or occupant shall neglect so to do, said trustees may cause the same to be done, the expenses whereof, with ten per cent thereon, may be by them assessed on such lots respectively, and shall be a lien thereon, and may be collected by warrant to be issued as in this section above provided, and the same with ten per cent thereon, may also be sued for and recovered by action, with interest thereon and costs of suit, from the owner or occupant of any such land or lots.

Snow, removal of, by land owners.

Trustees to remove same, if owner neglects.

Expense, how recovered.

TITLE IV.

§ 1. The village assessors shall, within the village of Penn Yan, have and exercise all the powers and duties prescribed by law for town assessors, and shall be subject to all the provisions of part one, chapter thirteen, title two, article second of the Revised Statutes, entitled "Of the manner in which assessments are to be made, and the duties of the assessors;" and the several laws which have been or may be enacted amending the same not inconsistent with the provisions of this act, provided however, that the time when their assessment-roll shall be completed, sworn to, and certified as required by law, shall not be later than the fifteenth day of May, and the public notice to be given by said assessors, for reviewing their assessment-roll required by law, shall be published once in the village newspapers. The said assessors shall prepare and deliver to the village clerk, to be filed with him, an assessment-roll, as above prescribed, together with all papers required by law to be filed in the town clerk's office once in each year.

Village assessors, powers and duties of.

Assessments, completion and review of.

Completed roll, how filed.

§ 2. The trustees shall have power, upon the affidavit of any person interested, setting forth the facts, to be filed with the village clerk, or upon their own motion, to correct any mistakes, defects, or errors in said assessment-roll, either in the description of any property, the ownership thereof, or any errors of omission, or of figures therein, and they may add to the tax to be assessed against each individual who shall have refused or neglected to pay his tax of any former year, the amount of his tax so unpaid, together with the interest thereon at twelve per cent. All village taxes shall be levied and collected according to said roll during the year subsequent to the filing thereof, as aforesaid, and until another roll shall be made and filed as aforesaid.

Assessment-rolls, correction of errors in, by trustees.

Re-assessment of tax.

§ 3. The clerk shall attend all meetings of the electors on the business of the corporation, and all meetings of the board of trustees; record their proceedings, keep all books, records, deeds and writings belonging to the corporation, and deliver the same to his successor on demand.

Village clerk, duties of.

§ 4. The treasurer shall receive all moneys belonging to the village, and keep an accurate account of all receipts and expenditures in such manner as the board of trustees shall direct; all moneys shall be drawn from the treasurer in pursuance of the order of the board of trustees, by warrants signed by the president or presiding officer of the board,

Village treasurer, duties of.

and countersigned by the clerk. Such warrants shall specify for what purpose the amount therein specified is to be paid. The clerk shall keep an accurate account of all orders drawn on the treasury in books to be provided for that purpose by the board of trustees. The books and entries of the treasurer, and the order books of the clerk shall be open for the inspection of any elector of the village at all reasonable hours. The treasurer shall exhibit to the board of trustees, at least fifteen days before the annual election in each year, a full account of all receipts and expenditures after the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the clerk.

Annual report by, to trustees.

How filed.

Street commissioner, duties of.

§ 5. The street commissioner shall have the general supervision and charge of all public grounds and the highways of the village, and the board of trustees may at any time remove, limit, regulate and restrain him in the performance of his duties, and diminish and alter or assign him other powers and duties as they may think proper.

Village collector, duties and liabilities of.

§ 6. The collector of taxes and assessments in the village shall perform the duties and be subject to the liabilities and obligations prescribed by law for town collectors, and all bonds required of him by law shall be approved by the board of trustees, and filed with the village clerk; and all taxes to be collected (for the use of the corporation), within the limits of the village, shall be collected by him.

TITLE V.

Trustees, to audit claims against village.

Claims, how made out and verified.

May disallow same in whole or part.

Annual village tax meeting.

§ 1. The trustees shall have the auditing of all accounts and claims against the village, and no account or claim shall be paid unless allowed by them, or after judgment obtained thereon. No such account or claim shall be allowed by the trustees unless it shall be made out in items and accompanied by the affidavit of the person claiming to have rendered the services or furnished the materials or made the disbursements therein charged, that the items of such account or claim are correct as to the service, materials and disbursements mentioned; that such services and materials were rendered and furnished and disbursements made for the corporation, and no part of such claim has been paid. The claimant may be examined on oath by the trustees in relation to said claim and the items thereof. The affidavit and oath herein mentioned may be taken before the president of the village, or any of the trustees or the clerk of the village, and when certified by either of them may be read in evidence in any court of this State in the same manner as oaths and affidavits taken and certified by a justice of the peace; but no fee shall be charged or received by any president or trustee for any oath or affidavit taken before them or either of them. Nothing herein shall be construed as preventing the trustees from disallowing any account or claim in whole or in part, when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof. Any person willfully swearing false in reference to any matter herein contained, shall be guilty of perjury.

§ 2. The annual tax meeting of the tax payers of the village of Penn Yan shall be held on the third Tuesday of May, in each year, commencing at one o'clock in the afternoon. At least two weeks before said meeting, the board of trustees shall examine into and determine the amount of money that will be needed, over and above the sum of two thousand dollars, hereinafter provided for, for properly carrying out the provisions of this charter, and to carry on the village govern-

ment for the next year, and shall make a tabular statement of such amount, and of the separate purpose and object for which such an expenditure is calculated to be made, stating such object or purpose, and the amount needed therefor. The board of trustees shall have power to direct and cause to be raised annually, by a general tax, for the defraying of the contingent expenses of the village, a sum not exceeding two thousand dollars, exclusive of the sum which may be recommended and voted at the annual tax meeting for such purpose. They shall also carefully examine the streets of said village, and shall determine and fix upon an aggregate amount, that will in their judgment be needed, over and above the sum of two thousand dollars, hereinafter provided for, to keep said streets in good repair for the next year. The board of trustees shall have power to raise by tax, in each year, for street purposes, a total amount not exceeding two thousand dollars, exclusive of the sum which may be recommended and voted at the annual tax meeting for such purpose. The board of trustees shall also prepare a statement of the money on hand at the commencement of the previous years* (as stated in the account of the year previous to that as cash on hand), of all the moneys received by them under any by-law, or in any way in or by virtue of their official capacity, and the sources from which received, of all moneys expended by them and the objects for which expended, and showing the balance on hand on the last day of April previous to such tax meeting. Said last statement of receipts and expenditures shall be signed by a majority of the board of trustees, and verified under an oath or affirmation by the clerk and treasurer to be correct. They shall publish both such statements in one or more of the village papers at least one week before said meeting, or by such other public notice as they shall direct, and shall in connection therewith and at the same time, state the time and place where, within said corporation, said annual tax meeting shall be held. The aggregate amount reported for street expenses shall be voted on as a whole. Its amount may be decreased by a vote of the meeting, but cannot be increased, and said sum thus voted shall be applied in repair of the streets under the direction of the board of trustees. The meeting may also vote a tax for any of the objects specified in said report of the board of trustees, published, and shall vote upon all expenditures proposed by the board of trustees. After all the proposed expenditures of the trustees as published, are voted upon, then the tax meeting may vote upon any other proposed expenditure for any particular object proposed, provided notice of said proposed expenditure be given in the village papers, as herein required of the board of trustees. The trustees are authorized and empowered to raise money by tax to pay all stated and contingent expenses of this corporation, and also to carry into effect the several powers and privileges granted by this act; but no tax (except as in this act provided) shall be levied or collected until or unless the same shall have been authorized by a vote of the taxable inhabitants, at the annual tax-meeting or at a special tax-meeting of the taxable inhabitants called for the purpose of authorizing the assessment and collection of taxes; and the said contingent and stated expenses to be voted upon shall be presented to such tax-meeting in items specifically, and shall be voted on item by item, and no part of the money voted for any one purpose can be used for any other; and if not used as voted, shall remain as part of the unexpended balance in the treasury and reported as such. Any balance in the treasury of the village, not expended for

Trustees to present statement of needed expenditures, thereat.

Power of trustees to raise \$2,000 for streets.

Statement of receipts and disbursements, how published.

Vote upon street expenses.

Vote upon tax for other objects proposed.

Tax for stated and contingent expenses.

Moneys voted for any purpose, not to be diverted.

* So in the original.

	the purposes voted, may be disposed of and applied to other purposes by a vote of the annual tax-meeting.
Qualifications of voters at tax meetings.	§ 3. No person shall be qualified or permitted to vote at any annual or special tax-meeting, who shall not appear on the last annual assessment-roll to have been assessed or taxed for real or personal property; and all meetings for voting taxes shall be called for and commence at one o'clock and continue open until four o'clock in the afternoon.
Vote upon appropriations, by ballot.	§ 4. The votes upon any tax or appropriation of money shall be taken by ballot, prepared by the board of trustees, by each legal voter passing between two inspectors, who shall, at each meeting, be appointed from among the legal voters present, by the presiding officer of the meeting; and such inspectors shall, as soon as the polls are closed, report the result to the meeting, and file a certificate of the same with the village clerk.
Result, how filed.	§ 5. Whenever the board of trustees shall be of the opinion that the interests of said village require the expenditure for any extraordinary or special purposes, which in their opinion cannot be paid from the sums specified in section two of title five of this act, or from the sum specified in section seven of title six of this act, or from any sum or sums recommended and voted at the annual tax-meeting, they shall have the power to make an estimate of the sum necessary to be raised for said purposes, and to state the amount and the objects for which it is required, together with the reasons for their opinion, and cause the statement to be published in one or more village papers two weeks successively preceding the day of election. The trustees shall designate some central and convenient place in said village for holding the polls of said election. The trustees shall be inspectors of the poll of said election, in the same manner as at charter elections in said village.
Extraordinary or special tax, trustees to submit estimate of, to special tax-meeting.	Every resident of the village, of the age of twenty-one years, whose name shall be in the assessment-roll, or who may be liable to be assessed for said special tax made by the assessors of said village, next preceding said special election, and upon whose property, a tax shall be assessed or imposed in or by said roll, and no other person or persons whatever, shall be entitled to vote at such special election. The said assessment-roll made by the assessors, or a copy thereof, certified by the village clerk and the president of said village, shall be evidence of the names and assessment as aforesaid. On the ballots deposited at said special election shall be written or printed, or partly written and partly printed, on the inside thereof, the words "for special tax," or "against special tax." The said trustees or inspectors shall canvass the votes received at the said special election immediately after closing the polls, without adjourning, and then make a certificate under their hands, or the hands of two of them, stating the whole number of ballots received, the whole number for "special tax," and the whole number "against special tax." The said certificate, if received by the president or clerk, shall be delivered by them to the board of trustees at their next meeting after the said election, and the said trustees shall cause the result of said election, as appearing by said certificate, to be entered in their minutes; and if it shall appear that the whole number of votes received at such election with the words "for special tax" shall exceed the whole number of votes with the words "against special tax," it shall be the duty of the board of trustees to cause the said sum of money so voted for to be assessed, levied, and collected in one or not more than five successive annual installments thereafter, and in the same manner, and with the same power and authority as herein described and conferred in reference to the annual taxes for
Notice, how given.	
Proceedings thereat	
Form of ballots.	
Canvass and certificate of result.	
Money voted, how assessed and collected.	

said village. In case a majority of votes are for "special tax," the board of trustees may thereupon proceed to authorize the expenditure of the amount thereof for the object specified in their published statement, and may borrow, if they deem it necessary so to do, the amount so voted in anticipation of the collection of said tax, for a time not exceeding five years, payable in equal annual installments, if the loan shall be made for more than one year, which installments shall be levied and collected in the same manner as the annual tax of the village, and the amount so borrowed shall be expended upon the objects for which the special tax is raised, and shall be paid as soon as the same becomes due, from the avails of the tax. The sum and sums of money raised by any special tax shall be paid to, and kept by the treasurer, distinct from other moneys, and entered into a separate account, and shall be appropriated by the trustees exclusively to the object or objects mentioned in their said public statement. The board of trustees, however, shall enter into no contract for supplying said village with water for fire or sanitary purposes, unless the expense of the same shall have been voted by the tax payers of said village at an annual or special tax-meeting, and the board of trustees shall upon the written application of twenty tax payers of said village submit the question of the expense of providing water for fire or sanitary purposes to the tax payers of said village.

Trustees, when authorized to borrow money, in anticipation of tax.

Treasurer to keep separate account, of special tax.

Water, for fire and sanitary purposes.

§ 6. The board of trustees shall fix the compensation of the village collector for collecting the taxes, not exceeding five per cent of the amount actually collected by him. The tax-roll shall be delivered by the president to the collector forthwith, with a warrant thereto annexed, under the hand of the president and seal of the corporation, commanding such collector to receive, levy and collect the several sums in the roll specified, as assessed against the persons or property therein mentioned or described, together with such rate per cent, upon said sums for collecting the same as the board of trustees shall have fixed in manner provided by law for the collection and levying of county taxes by town collectors, and to return said warrant and roll within ninety days after the date of the warrant. At the time of the delivery to him of any such roll and warrant, the collector shall deposit with the village clerk, a copy of the warrant thereunto annexed and indorsed thereon, a receipt acknowledging the reception by him of the original roll and warrant as the village collector; and thereupon he shall proceed to collect the taxes in said roll specified in the manner provided by law for the collection of county taxes, and shall have and possess all the powers and authority conferred by law on the collectors of county taxes, and shall in like manner pay over all moneys collected by him to the village treasurer, and shall take his receipt therefor, and shall make return to the village clerk of the amount collected and paid over by him, and of the taxes remaining unpaid; and by making oath before the clerk similar in all respects to the oath required by law of collectors of county taxes, he shall be credited by the village clerk with the amount so remaining due and unpaid. The collector shall deposit all moneys in his hands with the village treasurer from time to time, as the board of trustees shall direct.

Village collector, fees of.

Tax roll and warrant, how executed.

Collector to receipt therefor.

Powers and duties of collector.

To make return of unpaid taxes.

Payments to village treasurer.

§ 7. All taxes or assessments which shall remain unpaid for thirty days after the final return of said warrant shall bear interest at the rate of twelve per cent per annum from and after the date of said return and shall be collected as directed herein either by the sale of the estate assessed as herein provided or by suit against the party liable

Interest upon unpaid taxes, etc
Collection by suit at law.

to pay such assessment or tax, or the same, if not so collected, shall be added to the amount or sum taxed or assessed against such party or parties to the next annual tax or assessment; and when so added the total sum or amount shall be collected in the same manner or either of them as herein provided.

Re-assessments.

Renewal of tax warrants, by trustees.

§ 8. The board of trustees may renew from time to time any warrant issued for the collection of any tax or assessment, whenever any tax or assessment shall be returned uncollected, or issue a new warrant for the collection thereof, and in such renewal or warrant specify the time when the same shall be returned, and direct the collection of the interest on such taxes or assessments as the same is given to the village by this act, and the same proceedings shall be had thereon as upon the first warrant, and such extension shall in no event affect the validity of the bond given by the collector and his sureties.

Lands, when to be sold, for unpaid taxes.

§ 9. When any person whose property or estate shall be assessed or taxed shall fail to pay the tax or assessment, and the collector cannot collect the same, and shall make return thereof, the trustees shall cause the estate so assessed to be sold at auction for a term of time for the payment of such tax or assessment, giving six weeks notice of such sale by putting up notices in five public places in the village, and giving six weeks notice of such sale in one or more of the newspapers published in said village, and same shall be sold to the person who shall take it for the shortest time for the payment of such tax or assessment, with interest at seven per cent, and the expense of such notice and sale. Before the time of sale, the party liable for the tax, or his representative, may avoid the sale by paying the tax to the treasurer, with twelve per cent interest thereon, and expense and notice of sale.

Manner of sale.

Redemptions from sale.

§ 10. At any time within a year after such sale, the owner or owners of the estate, or their representatives, may redeem the same by paying to the purchaser thereof (if he shall have paid the tax and interest and expense of sale), the tax, expenses and interest thereon at twelve per cent per annum from the date of the payment by the purchaser; in case the purchaser has not so paid them by paying to the treasurer of the village the tax, expense of sale, and interest at twelve per cent per annum, from the time the tax was returned unpaid, and notifying the clerk of such payment. If such tax, expenses and interest are not paid within one year from the date of sale, then the trustees shall deliver to the purchaser of the estate a certificate of such sale, under the seal of the corporation, and signed by the president, the execution of which may be acknowledged or proved as a deed, and, upon the receipt of such certificate, the purchaser may proceed to serve upon the holder or owner of any lien upon such estate, or any part thereof notices in writing of such sale, and that unless redeemed within six months from the time of such service of notice, such certificate may be recorded in like manner and with like effect as in case of other conveyances of real estate. Such certificates shall be presumptive evidence of the statements contained in all courts and places, actions and proceedings.

Certificate, when to be delivered to purchaser, by trustees.

Proceedings, by purchaser.

Rights of purchaser, to occupy lands, etc.

§ 11. The purchaser receiving such certificate, or his representatives, may, in case the land is not redeemed as herein provided, enter into and occupy the same during the term for which it was sold, and shall be at liberty within the term aforesaid to remove all the buildings and materials which he may erect or place thereon.

Trustees, when authorized to bring civil

§ 12. In case the collector shall return that a tax or assessment on any estate is unpaid, and he is unable to collect the same, the trustees are authorized and empowered, after the lapse of thirty days after the

date of such return, to prosecute a civil action against the owner or owners of such estate in the corporate name of the village and recover judgment for such tax, with twelve per cent interest thereon, and all necessary costs and expenses of said action. Said trustees may cause a transcript of such judgment to be filed and said judgment docketed in the county clerk's office of the county wherein the village is situated, and the same, however small the amount, shall thereupon become a judgment of the county court and be a lien on all real estate of the judgment debtor situate in the county where said judgment is docketed, and such real estate may be sold on execution issued to the sheriff of the county where the judgment is docketed, if not collected out of the personal property of the debtor in the manner provided by law; and all the provisions of law in reference to sale and redemption of real estate on execution shall apply to sales and redemptions under this act.

action for tax.

Judgment therefor, to be a lien upon lands.

Laws applicable to sale, etc.

§ 13. The trustees shall be commissioners of highways in and for said village, and shall have all the powers of commissioners of highways of the several towns of the State subject to this act; except that they shall not be liable as such highway commissioners, neither shall the village of Penn Yan be liable for any damage or injury arising from an accumulation of snow or ice upon any of the sidewalks or public places within the corporate limits of said village, unless written notice shall have been served upon the board of trustees, or upon the village clerk, at least twenty-four hours before the happening of such damage or injury, which said notice shall be signed by the party giving the same, and shall set forth and describe the place complained of, and not then, unless the party injured shall within thirty days after the time of sustaining any such injury give written notice to the board of trustees of the claim made, and the exact time and place where the said accident occurred, and how the same was caused. Said trustees are empowered and authorized to lay out, alter, open or discontinue any street in any part of the corporation, of such width and in such place as they shall deem necessary and proper and may provide for and direct the raising, grading, leveling, paving, repairing, mending, planking, macadamizing and cleaning, any street, alley, bridge or sidewalk in said village. The commissioner or commissioners of highways in each of the towns in which said village is situated, shall, before the first day of March in each year, pay over to the treasurer of the village such portion of the moneys raised in said towns for the ordinary repairs of highways as the assessed value of the property in the village in such towns bears to the whole assessed value of the town by the last preceding assessment-roll of the town. All bridges now built or hereafter to be built, across the stream called the outlet of Keuka lake, in said village, shall be repaired, built and rebuilt, when necessary by the town of Milo, or by the county of Yates, in the same manner as though this act had not been passed.

Trustees to have powers of highway commissioners in village.

Liability of village for injuries (snow or ice), limited.

Powers of trustees, as to streets, bridges, etc.

Town highway commissioners, to pay ratable proportion of highway moneys, to village. Maintenance of certain bridges by Milo.

§ 14. The pay or salary of the street commissioner and other persons who may be appointed by the trustees to superintend or work on the highways from time to time, shall at all time* be paid out of the highway fund; and the said highway fund shall not be applied or appropriated to any purpose whatever except such as is specified in this act.

Salary of street commissioners, how paid.

§ 15. The board of trustees shall have power to cause any street, alley, lane or highway in said village to be curbed, leveled, graded or graveled, and to cause crosswalks, sidewalks, public drains, sewers and

Trustees to determine proportion of cost of

*So in the original.

street work, payable for benefits, etc.

Certificate, how filed.

To be a lien upon property benefited.

Sale of lands therefor.

Farm lands, how taxable.

aqueducts to be made, relaid or repaired in said village; and to determine, by resolution to be entered in the minutes of the proceedings of the board, what part or portion of the expenses of any such improvement, made or directed under this act, shall be defrayed out of the highway fund, and also what portion of said expenses, if any, shall be assessed on any real estate or lot which they shall judge to have been particularly benefited by such expenditure and improvement. If they shall make any such determination in relation to particular benefits, they shall make a certificate thereof, and file the same with the clerk, who shall enter the same in the minutes of the proceedings of the board. Such certificate shall specify what real estate or lot is so benefited, the name of the occupant or owner thereof, if known, the amount of such benefit, and a brief description of the real estate or lot on which the amount of such benefit is chargeable, which amount shall be a lien thereon, and may be recovered by the village in an action brought therefor against the occupant or owner of said real estate or lot, together with costs and interest from the date of filing such certificate. If the said amount of benefit shall not be paid, or the owner of said real estate or lot shall be a non-resident, the trustees shall proceed to sell the same and collect said amount thereby, together with the interest, costs and charges of sale, in the manner directed by section nine of this title, to collect a tax by sale of real estate. All farm lands within the bounds of said village shall be subject to taxation in like manner as other lands in said village.

TITLE VI.

Special police constables, appointment and powers.

SECTION 1. The president of said village, when in his opinion necessary for the preservation of peace and good order in said village, may appoint special police constables, who shall possess and exercise the same powers and duties, be subject to the same liabilities as are conferred upon the chief of police by section six, title six of this act, and entitled to receive the same fees, but the president or the trustees may at any time remove them.

Criminal proceedings, how brought.

§ 2. Persons charged with the commission of any offense specified in this act, which is by the existing law a crime or misdemeanor, may be proceeded against according to the present provisions of law, or according to this act.

Public health, proceedings to guard.

§ 3. The trustees may, and it shall be their duty to take precautionary measures to guard the public health in times of infectious and pestilential diseases, and to provide against them when they appear in the village, by providing places for the removal of persons having such diseases from the populous parts of the village, and to pay the expenses incident to such removal and they shall have the power to remove such persons.

Summary proceedings before magistrates, for violating ordinances.

§ 4. Whenever any person, charged with having committed an offense, violated any ordinance or by-law of the village, shall be brought before a magistrate on such charge, such magistrate shall have power and authority, and it shall be his duty, in a summary manner to try such person upon such charge, and to hear and determine the same, and upon conviction of the person so charged, to punish such person by a fine not exceeding fifty dollars, or by imprisonment in the county jail of Yates county for a period not exceeding sixty days, or by both such fine and imprisonment.

Chief of police, power

§ 5. The chief of police shall have power, and it shall be his duty, to keep order in all public places in said village, and to arrest all per-

sons who are present participating in riotous, disorderly or noisy assemblages, or who break the public peace in his presence, and who are found drunk in the streets, or vagrants, disorderly or suspicious persons, without process, and upon a process issued by a magistrate, to arrest any person charged with having committed any crime or offense against any law or ordinance, by-law or regulation of said village, and take them before a magistrate, to be dealt with according to law, and to keep and retain such person in custody until committed or discharged. The chief of police or police constable arresting any person after six o'clock in the evening for any disorderly conduct, or for disturbing the peace of the village, may convey them to the county jail of Yates county, there to remain until the morning of the next day, when they shall be brought up for examination and trial, but no person shall be brought up on the Sabbath, but shall be kept in jail until the morning following.

and duties of.

When to lodge persons arrested, in county jail.

§ 6. The chief of police, in addition to the powers and duties conferred by the last section, shall have the same powers and rights, to be charged with the same duties and responsibilities as constables elected in towns but he shall not serve any process in civil actions out of said village, except in favor of said village, or against a person or persons fleeing therefrom. It shall be the duty of the said constable to give such security for the faithful performance of the duties of his office as shall be required of him by the said trustees.

Chief, to have certain powers of town constable.

§ 7. The trustees shall procure fire engines and other necessary and convenient apparatus for the prevention and extinguishment of fires, and provide safe and convenient places for keeping the same. They shall have power to organize fire companies, provide for maintaining them, and to appoint a competent number of able-bodied, respectable inhabitants of the village as firemen. The said companies shall have the care and management of the apparatus for extinguishment of fires, under the rules provided by the fire department board, and under the control of the chief engineer and his assistants. The president of the village, chief engineer, assistant engineers, and secretary of the fire department shall constitute the fire department board. They shall have power to prescribe the duties of firemen, make rules and regulations for their government, and impose reasonable penalties for violations thereof. They shall also have power to purchase supplies, or construct additional apparatus, if they deem it necessary, for the use and convenience of the fire department only, provided the expense shall not exceed the sum of five hundred dollars per annum. The trustees are authorized and empowered to raise annually, by tax, to be assessed on the estates, real and personal, within the corporation, and collect it from the owners thereof, whether such owners are residents of the corporation or not, a sum not to exceed five hundred dollars, which shall be turned over to the treasurer of the fire department. The fire department board shall examine and settle all accounts chargeable to the fire department under the provisions of this section. The chief engineer of the fire department shall have general charge and supervision of all engines, hydrants, hose, hose carriages, engine-houses, water-tanks, and all fire apparatus and property owned by the village for the use and convenience of the fire department, and shall have power to cause any of such apparatus or property to be repaired whenever he shall deem it necessary. He shall report to the fire department board, at each regular meeting, the nature and cost of such repairs, and shall have sole direction of the fire department when on duty, and be subject to no other officer. The

Trustees to procure fire engines, etc.

To organize fire companies and appoint firemen.

Fire department board, its duties and powers.

Limitation of expenditures for department.

Chief engineer, duties of.

Assistant engineers.	assistant engineers shall be under the command of the chief, when on duty, and in his absence the first assistant shall have command, and all the powers and duties herein given to the chief, and in the absence of both the chief and first assistant, the second assistant shall assume
Secretary, duties of.	command, with all the powers and duties of the chief. The secretary shall keep in writing, in a book kept for the purpose, a record of all meetings of the fire department board, and shall collect all moneys due the fire department, keep an accurate account of all receipts and expenditures, and shall not pay out any money except upon audits of the fire department board, signed by the president, and countersigned by the chief engineer. The books and entries of the secretary shall be open for inspection of any elector of the village at all reasonable hours, and all bills audited and paid by him shall be retained and filed as vouchers. He shall make a full report and exhibit to the fire department board at least thirty days before the annual election, and shall turn over to his successor all books, papers, vouchers and money in his possession belonging to the fire department. The fire department board shall hold regular meetings on the second Monday of March, June, September and December, and special meetings whenever ordered by the chief engineer. A majority of the board shall constitute a quorum for the transaction of business.
Annual report.	
Quarterly and special meetings of department board.	
Quorum.	
Firemen, exemptions of.	§ 8. Firemen appointed by the trustees shall, during the term of their service, be exempt from poll-tax, juries, and service in the militia, except in cases of war, invasion or insurrection. The name of each fireman shall be registered with the clerk of the village, and the evidence to entitle him to the exemption herein provided shall be the certificate of the clerk, made within one year from the time when the exemption is claimed.
Ibid	§ 9. Every fireman who shall have faithfully served as such in the village of Penn Yan for the term of seven years, shall thereafter be exempt from juries in courts of record, or service in the militia, except in cases of war, invasion or insurrection. The evidence to entitle such person to the exemption provided in this section shall be a certificate signed by the president and clerk. No such certificate shall be hereafter given until the applicant shall have made and filed with the clerk an affidavit that for seven years preceding he has actually and habitually been present with his company at fires in the village, when not detained therefrom by absence from the village, illness or other unavoidable circumstances.
Certificate.	

TITLE VII.

Commissioners of cemetery grounds, election and classification of.	SECTION 1. At the next annual election held in and for said village, after the passage of this act, there shall be elected three commissioners of the cemetery grounds belonging to said village, one of whom shall hold his office for the term of three years, one for the term of two years and one for the term of one year, to be designated by lot under the direction of the president. At every annual election thereafter there shall be elected one commissioner of the cemetery, who shall hold his office for the term of three years. But the board of trustees shall appoint in writing three cemetery commissioners who shall hold their office until the third Monday of March next after the passage of this act, and until their successor* in office shall be elected and qualify.
Appointment of first board.	

*So in the original.

§ 2. Said commissioners shall, during their term of office, have exclusive control and management of the laying out, beautifying and improving of the cemetery grounds belonging to the village. All moneys recommended and voted at the annual tax meeting for the improvement of such lands shall be placed in the hands of said commissioners to be expended by them in such laying out, beautifying and improving of said grounds.

Duties of commissioners.

§ 3. The said commissioners shall have the exclusive power of conveying by their chairman, to any person or persons, their heirs and assigns, for such consideration, and upon such terms, conditions and under such restrictions as they may prescribe, the exclusive right to bury the dead and erect monuments in and upon any lands purchased and obtained by law by the trustees of the village of Penn Yan for cemetery purposes, and shall have power to make contracts relating to such cemetery, and to enforce the same by suit brought in the name of "The Penn Yan Cemetery Commissioners."

Sale of burial rights, etc.

Official title of cemetery board.

§ 4. The said commissioners shall also have the exclusive custody and control of all moneys which may be received from such sale of burial rights or otherwise from said lands under their control, and shall apply such portion of the same as they may think proper to the laying out, improving, beautifying and taking care of such lands, and the actual and necessary expenses of such commission, and the balance shall be applied in the payment of any indebtedness which may have been lawfully incurred by said village for the purchase of any lands for cemetery purposes.

Application of moneys received from burial rights, etc.

Payment of debts.

§ 5. The said cemetery commissioners shall, at least two weeks before the annual tax-meeting of the tax payers of said village, prepare a statement of the money on hand at the commencement of the previous year (as stated in the account of the year previous to that as cash on hand), of all moneys received by them from the sale of burial rights, or in any way in or by virtue of their official capacity, and the sources from which received, of all moneys expended by them and the objects for which expended, and showing the balance on hand on the last day of April previous to such tax-meeting. Said statement of receipts and expenditures shall be signed by a majority of such commissioners and verified under their oath and affirmation to be correct. They shall publish such statement in one or more of the village papers at least one week before said meeting, and may recommend to said meeting the raising of such sum or sums for cemetery purposes as they may deem proper.

Annual statement to tax-meeting, of receipts and expenditures.

How verified and published.

§ 6. Whenever any vacancy shall occur in the board of cemetery commissioners, the commissioners remaining in office shall fill the vacancy until the next annual election. And no cemetery commissioner shall hold any other village office.

Vacancies, how filled.

§ 7. The board of trustees shall cause a map to be made of such village, and cause all new public roads, avenues, streets and lanes in the village to be surveyed and described, and a description thereof recorded in a book to be kept by the clerk for that purpose. The map so made shall be kept by the clerk.

Village map and record of streets.

§ 8. The money expended for street expenses shall be expended by the street commissioner under the direction of the board of trustees.

Street expenditures.

§ 9. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or property holder in the village of Penn Yan, in any action or proceeding in which the said village is interested.

Competency as jurors, etc.

§ 10. The treasurer, clerk, street commissioner and chief of police

Pay of

- certain officers. shall each be paid for their services such reasonable compensation as the board of trustees, at a regular meeting, shall direct.
- Proceeding of trustees, how published. § 11. The board of trustees shall furnish to the several village papers the proceedings of all regular and special meetings of said board, over the signature of the clerk. Such papers may publish the same, at an expense to the village, not exceeding twenty-five cents per folio.
- Proviso. § 12. Nothing herein contained shall be construed so as to destroy, impair, or take away any right or remedy acquired or given by any act hereby repealed, and all proceedings commenced under any such former act shall and may be carried out and completed; and all prosecutions for any offense committed, or penalty or forfeiture incurred, shall be carried on with the same effect as though this act had not been passed, except that all persons now in office under the old charter of the village, shall go out of office on the third Monday of March, next after this charter becomes operative as a law, or as soon thereafter as his successor in office shall be elected and qualify.
- Terms of existing village officers, how long continued. § 13. This act shall take effect immediately.

CHAP. 120.

AN ACT to amend chapter thirty-one of the laws of one thousand eight hundred and seventy-nine, entitled "An act to enable such towns in this State as have altered the manner of working and repairing the highways from the system provided for in article second and article third of chapter sixteen, title one, part one of the Revised Statutes, to the system provided for by chapter three hundred and ninety-five of the laws of one thousand eight hundred and seventy-three, to return to the system provided for in said first-named act."

APPROVED by the Governor April 10, 1889. Passed, three-fifths being present.

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

- Highway repair system, return to former system provided for. SECTION 1. Section two of chapter thirty-one of the laws of one thousand eight hundred and seventy-nine, entitled "An act to enable such towns as have altered the manner of working and repairing the highways from the system provided for in article second and article third of chapter sixteen, title one, part one of the Revised Statutes, to the system provided for by chapter three hundred and ninety-five of the laws of one thousand eight hundred and seventy-three, to return to the system provided for in said first-named act," is hereby amended so as to read as follows:
- Submission of question, to voters. § 2. Upon the written application of twenty-five tax payers of any such towns, it shall be the duty of the justices, or other officers who preside at the town election of any such town, to submit to the electors, and the electors of any such town may vote at the next regular annual town meeting upon the question of returning to the said former system of working and repairing the highways. Such vote shall be by ballot, upon which shall be written or printed respectively, "for returning to the system of working and repairing the highways provided for in article second and article third of chapter sixteen, title one, part one of the Revised Statutes," and, "against returning to the system of working and repairing the highways provided for in ar-
- Form of ballot, at annual town meeting.



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L A W S
OF THE
STATE OF NEW YORK,
PASSED AT THE
ONE HUNDRED AND THIRTEENTH SESSION
OF THE
LEGISLATURE,

BEGUN JANUARY SIXTH, 1890, AND ENDED MAY NINTH, 1890,
IN THE CITY OF ALBANY.



ALBANY:
BANKS & BROTHERS, PUBLISHERS.
1890.

given to each person filing such protest, in such manner as will enable such person to appear before them upon such hearing, and they may in their discretion cause like notice to be given to any other person of their hearing of any petition for the release by the state of any interest of the people of the state in any real property acquired by escheat, or may cause notice of such petition to be given generally by publication in a newspaper published in the county in which such real estate is situated.

Moneys received, disposition of.
Annual report to legislature.

§ 6. All moneys received by the commissioners from any such petitioner on account of any such conveyance shall be paid by them forthwith to the state treasurer. The commissioners shall annually, in the month of January, report to the legislature their proceedings upon each petition presented under this act during the previous year, stating briefly all the facts required to be determined by them upon the hearing of such petition, the terms and conditions of each conveyance so made by them, the name of each grantee therein, and of all money received by them in pursuance thereof, and their reason for refusal of any such petition presented to them, and whether any petitioner declined to accept any such conveyance upon the terms and conditions fixed by the commissioners, and if the legislature be in session at the time of their refusal of any such petition, or of any such declination to accept such conveyance, the commissioners shall forthwith report to the legislature such petition and a like statement of their proceedings thereon.

Repeal.

§ 7. Chapter two hundred and fifty-nine of the laws of eighteen hundred and twenty-nine, is hereby repealed.

§ 8. This act shall take effect immediately.

CHAP. 280.

AN ACT to amend section six hundred and thirty-five of the Penal Code.

APPROVED by the Governor May 5, 1890. Passed, three-fifths being present.

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

SECTION 1. Section six hundred and thirty-five of the Penal Code, is hereby amended so as to read as follows:

§ 635. A person who:

Injury to railroad track, etc.

1. Displaces, removes, injures or destroys any rail, sleeper, switch, bridge, viaduct, culvert, embankment or structure, or any part thereof, attached, appertaining to or connected with any railway, whether operated by steam or by horses; or

2. Places any obstruction upon the track of any such railway; or:

3. Willfully discharges a loaded firearm, or projects or throws a stone, or any other missile, at a railway train, or at a locomotive, car or vehicle standing or moving upon a railway; or:

Injury to wires, motors, etc., of electric railways.

4. Willfully displaces, removes, cuts, injures or destroys any wire, insulator, pole, car, dynamo, motor, locomotive or any part thereof, attached, appertaining to or connected with any railway operated by electricity, or willfully interferes with, or interrupts any motive power used in running said road, or willfully places any such obstruction upon the track of any such railway, or willfully discharges a loaded firearm, or projects or throws a stone, or any other missile, at such a

railway train, or locomotive, car or vehicle standing or moving upon such railway is punishable as follows:

1. If thereby the safety of any person is endangered, by imprisonment for not more than ten years. Punish-
ment.

2. In every other case, by imprisonment for not more than three years, or by a fine of not more than two hundred and fifty dollars, or both.

§ 2. This act shall take effect on the first day of September, eighteen hundred and ninety. When
takes
effect.

CHAP. 281.

AN ACT to amend chapter eight, title two, part first, of the Revised Statutes.

APPROVED by the Governor May 5, 1890. Passed, three-fifths being present.

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

SECTION 1. Section eight of chapter eight title, two of part first of the Revised Statutes is hereby amended by adding thereto an additional subdivision, to be known as subdivision five and to read as follows: Distribu-
tion of ses-
sion laws.

5. To each of the judges of the superior city courts, one copy of the laws without the journal.

§ 2. This act shall take effect immediately.

CHAP. 282.

AN ACT requiring statements to be filed showing the amount due on bonds and mortgages affecting real estate.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, May 6, 1890. Passed, three-fifths being present.

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

SECTION 1. Any person holding any bond and mortgage or mortgage on real property situate in the state of New York, either as mortgagee or assignee, shall, within one year prior to the expiration of twenty years from the date of the recording thereof, and within one year next preceding the expiration of each and every term of twenty years thereafter, file a written statement in the office of the clerk or register of the county where such mortgage is recorded, duly signed and acknowledged by himself or agent, setting forth the amount then due and unpaid on said bond and mortgage or mortgage, and the date of the last payment thereon, and containing a reference to said mortgage, the name of the mortgagee, the name and place of residence, the owner of said mortgage, and the name of the owner or owners of the premises described in said mortgage at the time of the filing of such statement. Statements
when and
where
filed.

§ 2. Upon the filing of such statement the clerk or register in Recording



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L A W S

OF THE

STATE OF NEW YORK,

PASSED AT THE

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OF THE

LEGISLATURE,

BEGUN JANUARY SIXTH, 1890, AND ENDED MAY NINTH, 1890,
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order,
granting
of, pend-
ing trial.

any issue made as aforesaid, the court shall, upon notice of the attorney-general, and upon a petition duly verified showing the making of any contract or arrangement in violation of the provisions of the act hereby amended, or of said chapter twenty-one of the laws of eighteen hundred and eighty-four; or the doing of any act or thing by any of the parties defendant, in violation of either of said acts, grant an injunction order, restraining the parties named in said order from the further prosecution of the business complained of, or from the further performance of the contract or arrangement claimed to have been entered into as aforesaid, and to restrain and enjoin such officer or officers from the further continuance of any act alleged to be in violation of the act hereby amended, or of the said chapter twenty-one of the laws of eighteen hundred and eighty-four. And any disobedience of such injunction order shall be punishable as provided by chapter one, title one, article two of the Code of Civil Procedure. And upon any trial had, judgment shall follow the findings of fact made by the court or jury, as in other cases, and with costs, in the discretion of the court.

Penalty
for disobe-
dience.

Judg-
ments.

§ 2. This act shall take effect immediately.

CHAP. 560.

AN ACT to revise and amend the charter of the village of Attica, in the county of Wyoming.

APPROVED by the Governor June 7, 1890. Passed, three-fifths being present.

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

TITLE I.

BOUNDARIES.

Village
bounda-
ries.

SECTION 1. All that certain tract of land in the town of Attica, county of Wyoming, embraced within the following bounds, that is to say: Beginning at the northeast corner of lot number twelve in the twelfth section in township number ten, in the second range of said townships, as surveyed by the Holland Land Company, by Joseph Elliott, surveyor, being in the town of Attica, in the county of Wyoming; thence westerly along the north bounds of said lot number twelve to the northeast corner of lot number six in the sixteenth section of said township; thence still westerly on the north bounds of said lot number six to the northwest corner thereof; thence southwardly on the west bounds thereof to the northwest corner of lot number five in said sixteenth section; thence still southwardly, on west bounds thereof, to the northwest corner of lot number four in said sixteenth section; thence still southwardly along the west bounds thereof, to the northwest corner of lot number three in said sixteenth section; thence still southwardly along the west bounds thereof, to the southwest corner of said lot number three; thence eastwardly along the south bounds thereof to the southwest corner of lot number nine in said section twelve; thence still eastwardly, along the south bounds of said lot number nine, to the southeast corner thereof; thence northerly on the east bounds of said lot number nine, to the southeast corner of lot number ten, in said twelfth section; thence still northerly along the

east bounds thereof, to the southeast corner of lot number eleven, in said twelfth section; thence still northerly along the east bounds thereof, to the southeast corner of said lot number twelve in the twelfth section; thence still northerly along the east bounds thereof to the place of beginning, shall from and after the passage of this act, be known and distinguished as the village of Attica.

NAME.

§ 2. The inhabitants residing within the boundaries above specified are hereby declared to be a corporation and shall hereafter be known in law by the corporate name and style of "the village of Attica," and by that name they and their successors shall have perpetual succession, capable in law of suing and being sued, complaining and defending in any court of law or equity; and they may make and use a common seal and alter the same at pleasure, and shall also have power to purchase, hold and convey such real and personal estate as the purposes of the corporation may require.

Corporate name and powers.

EXEMPTIONS.

§ 3. The said village shall be exempt from the superintendency and control of the commissioners of highways of the town of Attica, and it is hereby declared to be a separate road district.

Exemptions.

TITLE II.

TRUSTEES AND TERM OF OFFICE.

SECTION 1. From and after the passage of this act there shall continue to be five trustees of the village, who shall be elected by ballot by the electors of the village, and shall hold their offices respectively during the terms prescribed by this act, and until their successors shall be duly qualified; they shall be freeholders and legal voters of the village; all of whom shall be elected by ballot by the electors of said village and hold their offices respectively for three years, and until their successors shall be duly qualified, except that the board of trustees, who are such at the time of the passage of this act, shall remain and be trustees of said village for and during the term for which they were and are respectively elected, and hold the same until their successors shall be respectively duly elected and qualified.

Trustees and their terms

Present trustees, terms of.

OFFICES.

§ 2. From and after the passage of this act there shall be one treasurer, one collector and one clerk, who shall be elected by ballot by the electors of said village and hold their offices respectively for one year, and until their successors shall be duly elected and qualified; also three assessors, who shall be freeholders and legal voters of the village, all of whom shall be elected by ballot by the electors of said village and hold their offices for one, two and three years respectively, and until their successors shall be duly qualified, that is to say, that at the next annual election to be held in said village after the passage of this act there shall be elected three assessors, qualified as aforesaid; one shall be elected for one year, one for two years and one for three years, who shall hold their respective offices until their successors shall be duly elected and qualified, and at each and every election thereafter there shall be one assessor elected for the period of three years from the said election, or until his successor has been duly elected and qualified.

Village officers and their terms.

VACANCIES.

Vacancies
in elective
offices.

§ 3. If any vacancy shall happen in any elective office, the board of trustees may appoint an elector of the village to fill the vacancy, and the person so appointed shall hold the office until the next annual election and the election and qualification of a successor.

FAILURE TO QUALIFY.

Failure to
qualify,
forfeiture
for.

§ 4. If any person who shall have been duly elected to any office in said village shall, for five days after being notified of such election, neglect or refuse to take the oath of office, or to file the same with the clerk, he shall for such neglect or refusal forfeit to the use of the corporation twenty-five dollars, with costs of suit, recoverable by and in the name of said corporation.

ELECTION.

Annual
village
election.

Notice
thereof.

Inspectors
and clerk.

Canvass
and dec-
laration.

Certificate
filed.

§ 5. The annual election shall be held on the first Tuesday in February, from the hour of one o'clock in the afternoon until seven o'clock in the afternoon, during all of which time the polls shall be open. Notice of all election of trustees, and other officers of the said village to be elected by ballot, shall be given by the board of trustees of said village, and notices shall be published in one or more newspapers published in said village at least two weeks before the time fixed for the election, and by posting the same in at least three public and conspicuous places in the village, in which notice shall be designated; the place in the village where the poll or polls will be held; the day and hour of holding election; the number of trustees and other officers to be chosen. The trustees shall act as inspectors of all elections under this act, and it shall be the duty of all such trustees to attend for that purpose, but an election held before any one or more of them shall be valid; the clerk of the village shall be the clerk of the inspectors at such elections; immediately after the closing of the polls the inspectors shall proceed to canvass the votes taken at any such election, openly declare the result, and shall make and subscribe a certificate of the canvass, which shall show the whole number of votes cast, and the number given for each person voted for. The person or persons eligible and having the greatest number of votes shall be declared to be duly elected. In case two or more persons, who may be eligible, shall have an equal number of votes, for the same office the inspectors shall forthwith determine by lot which shall be deemed elected, and in such case the facts shall be set forth in the certificate of canvass. The certificate shall be filed with the clerk of the trustees within two days after the election, and remain a public record of the village.

QUALIFICATIONS.

Qualifica-
tions of
voters.

§ 6. Every inhabitant actually residing in the village who possesses the qualification necessary to entitle him to vote for member of assembly, shall be qualified to vote at such village election.

PRESIDENT OF BOARD.

President
of board.

§ 7. The first meeting of the trustees in each year, shall be held on the first Monday next after the election at the corporation building, at half past seven in the afternoon, and they shall, by ballot, choose

one of their number to be president of the board of trustees for the year, in case of the absence of the president from the village, or of his temporary inability to discharge his duties, a president pro tempore shall in like manner be chosen, who shall possess all the powers and perform all the duties of the president, until he shall resume the performanse* of such duties, and in case of the death, resignation or removal from the village, of the president, the vacancy shall be supplied by the board in like manner. In case of one or more vacancies in the board of trustees by reason of death, resignation or removal from the village, the remaining trustees shall choose by ballot a trustee to fill such vacancy until the end of the year. The trustee so elected shall have the qualifications specified in section one of this title. Should the term of office of such vacating trustee or trustees extend beyond the end of the current year, a sufficient number of trustees to fill such vacancy or vacancies shall be added to the other trustees to be chosen at the next annual election, as provided for in section five of this title.

President pro tempore

Vacancies in board of trustees.

DUTY OF PRESIDENT.

§ 8. It shall be the duty of the president to preside and vote at all of the meetings of the board of trustees, and in case of an equal division upon any question the same shall be deemed lost. It shall be his duty to see that all the laws, ordinances, rules and regulations, resolutions and by-laws of the board of trustees are faithfully executed and enforced; to receive complaints of any breach or violation thereof, and to prosecute in the corporation's name all offenders against the same, and for all penalties, fines and forfeitures incurred by reason of any such breach or violation; to inspect the property of the corporation, and see that the same is properly taken care of and kept in good order, and to do all such other acts and things as may be proper for him as president of the board of trustees. He shall be chief of the police of the village, and as such shall have the supervision of all policemen, watchmen and marshals that may be appointed by the board of trustees.

President. his duties.

Chief of police.

CLERK.

§ 9. The clerk of the board of trustees shall have the custody of and safely keep all the books, papers, records and corporate seal belonging to the corporation, and public records of the village; which books, papers and records shall at all times be open for inspection by the inhabitants of the village; and upon request of any such inhabitant and the tender of fees at the rate of ten cents per folio therefor, he shall make and furnish a certified copy or transcript of any record or paper in his custody or possession as such clerk and to which certified copy or transcript he shall, upon request and without any fee therefor, affix the corporate seal. He shall attend all meetings of the board of trustees, and keep a full and complete record of the proceedings. He shall attend to the publication of all laws, rules, ordinances, by-laws, notices and other matters as the board may direct. He shall attend at all elections under this act, and keep a correct poll-list thereat, shall notify all persons of their election or appointment to office under this act, within ten days after such election or appointment; shall notify the trustees of all special meetings duly called, and perform such other duties as the board of trustees may from time to

Village clerk and duties of.

* So in the original.

time lawfully require of him. In case of the absence of the clerk from any meeting or election at which he is required to officiate, his duties on such occasion shall be performed by such person as the board of trustees or the inspectors of election may, in the respective cases, appoint. The said clerk shall receive such sum for his services as the board of trustees may see fit to pay, not exceeding the sum of thirty-five dollars per year.

Compensation.

TREASURER.

Village treasurer, duties of.

Official bond.

Additional security.

§ 10. The treasurer shall receive and safely keep all the money belonging to the corporation, and disburse the same only upon warrant, specifying upon what account and for what purpose the same is drawn, and subscribed by the president and countersigned by the clerk of the board. He shall make and keep a correct record and account of all the receipts and disbursements. The books, accounts, vouchers and papers of the treasurer shall at all times be open to inspection by any of the trustees or by the clerk of the board. Before entering upon the duties of his office he shall take and subscribe the constitutional oath provided for in this title, and shall also execute a bond to "the village of Attica," their successors and assigns, in such sum which shall be equal to double the sum named in the warrant for the collection of taxes, and with such sureties as the board of trustees may approve, conditioned that he will faithfully execute the duties of his office, and honestly and faithfully account for and pay over the moneys received by him by virtue of such office which bond, with the certificate of the approval of the board indorsed thereon by the clerk of the board, shall be filed with the clerk of the board. The board of trustees may at any time require from the treasurer other or additional security in the manner above provided, and they may, if they deem proper, suspend him from the performance of his official duties until such additional security be given, approved and filed, and in default of the treasurer's prompt compliance with such requisition may remove him from office.

COLLECTOR.

Collector, his duties.

Payment of collections to treasurer.

Return as to unpaid taxes and assessments.

Receipts for payments.

§ 11. The collector shall collect and receive all taxes and assessments for which the warrant of the board of trustees, sealed with their corporate seal, and subscribed by the president and countersigned by the clerk shall be delivered to him. It shall be his duty from time to time whenever the moneys collected by him by virtue of any warrant, and not already paid over by him to the village treasurer, shall, in the case of taxes, amount to the sum of five hundred dollars, and in the case of assessments to one hundred dollars, forthwith to pay over the same to the village treasurer; and he shall within ten days after the time mentioned in his warrant for the payment to the treasurer of the moneys so to be collected, return such warrant to the village clerk, and he shall make return under oath or affirmation as to any and every tax or assessment specified in such warrant which shall remain unpaid, and he shall have been unable to collect it in like manner as required by law of collectors of towns. Upon every payment made by him to the treasurer, he shall take the treasurer's receipt therefor, indorsed upon the warrant, by virtue of which such money was collected; and shall also require from the treasurer a certificate or a loose or duplicate receipt for such payment, specifying when paid, the amount, and on account of what warrant in particular the same was paid; which certificate or loose or duplicate receipt he shall forthwith deliver to

the village clerk, to be by him laid before the board at the next meeting thereof. Previous to the expiration of the time limited in any warrant for the collection and payment over to the village treasurer of the moneys therein specified, the board of trustees may, by resolution, with the previous written consent of the sureties to the official bond of the collector, extend the time for the full collection and payment over to the village treasurer of such moneys. For the collection of the annual taxes the collector shall be entitled to demand and receive the like compensation as allowed by law to the collector of taxes in towns for the then current year. For the collection of special assessments he shall be entitled to demand and receive from the person and property charged, one per centum upon the respective sums so charged, such allowance to be specified in the warrant. In case the collection of any special assessment shall not have been completed at the expiration of office of the collector to whom the warrant for the collection of the same may have been delivered it shall be lawful for such collector to proceed with such collection, and fully to complete the execution of such warrant, unless he shall be precluded therefrom by resolution of the board of trustees, in which latter case, and also in case of his removal from office, he shall forthwith account for and pay over to the village treasurer all moneys collected by him on account of such warrant, and return such warrant to the village clerk, with a specification thereon of all moneys which may have been collected by him by virtue thereof. Before entering upon the duties of his office the collector shall execute a bond to "the village of Attica," their successors and assigns, in such sum and with such sureties as the board of trustees may approve, conditioned that he will faithfully execute the duties of his office and honestly and faithfully account for and pay over all moneys received by him by virtue of such office, which bond with a certificate of the approval of the board indorsed thereon by the clerk of the board, shall be filed with the clerk of the board. The board of trustees may at any time require from the collector, other or additional security in the manner above provided, and they may if they deem proper, suspend him from the performance of his official duties until such additional security be given, approved and filed and in default of the collector's prompt compliance with such requisition may remove him from office.

Extension of time for collection.

Fees.

Collection of special assessments after term.

Official bond

Additional security.

STREET COMMISSIONER.

§ 12. There may be one street commissioner appointed by the board of trustees who shall hold his office for such time, not exceeding one year from date of his appointment, as the board of trustees may direct, or until his successor shall have been appointed and qualified, and which said street commissioner shall be under the direction of the board of trustees, and shall exercise a general superintendency over the roads, avenues, streets and public places of the village; to superintend all public improvements made therein, and cause all obstructions and nuisances to be removed therefrom, and to report to the president all infractions of laws and ordinances of the board of trustees regulating the same, and shall perform such other duties as the board of trustees shall from time to time prescribe. And for the services of said street commissioner he shall receive such sum as the said trustees may in their discretion and judgment see fit, not exceeding two dollars per day, for every full day's service rendered.

Street commissioner, his powers and duties.

Compensation.

OATH.

Oath of office.

§ 13. Every trustee, clerk, treasurer, collector, street commissioner, and every other person elected or appointed pursuant to the provisions of this act to any office of said village shall, within ten days after the commencement of the term for which he is elected, or if appointed by the board of trustees, within ten days after the notice of such appointment, severally take and subscribe an oath or affirmation before some officer authorized by law to administer oaths, to support the constitution of the United States, and the constitution of the state of New York, and faithfully and impartially to execute the duties of the office to which he has been elected or appointed, according to the best of his ability, which oath shall be filed with the clerk of the board of trustees before such officer enters upon the duties of his office. In default of such oath or affirmation being so taken and filed, the board of trustees may declare the office vacant and appoint a person to fill such vacancy, as authorized by this act.

COMPENSATION.

Trustees, not to be interested in contracts, etc.

Compensation of village officers.

§ 14. The trustees respectively shall not receive any compensation for their services as such, beyond actual and necessary expenses and disbursements, incurred and made by them in the execution of the duties of their office; nor shall they individually, or jointly with any other person or persons, contract or agree for any work to be done for, or materials or supplies to be furnished to the corporation, or be in any manner interested, directly or indirectly, either as principal or surety in any such contract or receive or be entitled to any compensation or payment done for or materials furnished to the corporation. The trustees may make such reasonable compensation to the clerk, treasurer, collector, street commissioner and any other subordinate officer of the corporation for their respective services, not hereinbefore specially provided for, as the board may from time to time deem meet. But such compensation to the treasurer shall not exceed one per cent upon the moneys received by him as such treasurer.

REFUSAL TO DELIVER BOOKS.

Penalty for refusal to deliver books, etc.

§ 15. In case any person having been an officer of the corporation shall refuse or neglect to deliver to his successors in office, within ten days after notification and request all the moneys, books, papers, or other property under his control, belonging to the corporation or appertaining to his office, he shall forfeit and pay, for the use of the corporation, the sum of twenty-five dollars for each and every day he shall so neglect or refuse, and also all damages caused by such refusal or neglect.

POLICE CONSTABLE.

Police constable.

§ 16. The collector of said village shall also be a police constable of said village, and as such police constable shall qualify in the same manner as town constables are by law required to qualify and in addition to the powers conferred upon the said police constable in this act, he shall have all the powers and be subject to all the duties by law devolved or imposed upon constables of the county of Wyoming, and his fees for serving shall be audited and paid in the same manner, at the same rate and in the same way as if he was a constable of the town of Attica.

TITLE III.

POWERS OF TRUSTEES.

SECTION 1. The board of trustees shall have the sole control and management of all the finances and all the real and personal estate of the corporation, and of the roads, avenues, streets and public places of the village, except the bridges spanning the creeks and ravines in said village, and the Forest Hill cemetery; and shall audit and order paid all accounts chargeable against the corporation; they shall also have power within the limits of said village:

Control of
finance
and prop-
erty.

Audit of
claims.

1. To declare and define the duties of all the officers of the corporation whose duties are not specifically prescribed by this act, and to fix their respective compensation.

Duties and
compensa-
tion.

2. To provide for the care, custody and preservation of all property, records and papers of the corporation.

Care of
property,
etc.

3. To keep the roads, avenues, streets and public places and buildings of the village in good repair, order and condition; to construct sewers, culverts and drains; to regulate and prescribe the width and grade of streets, avenues and sidewalks; to pave, macadamize, plank or flag roads, sidewalks and streets; to alter, change the grade of or otherwise improve roads, avenues, streets and sidewalks; to prohibit and remove all obstructions, incumbrances and nuisances from the sidewalks, roads, avenues, streets, public buildings and places; to plant, remove and protect shade trees on the sides of the roads, streets and public places; to drain stagnant water, to raise or fill up low grades of streets, and to regulate water-courses, ponds and watering places.

Repairs.

Sewers.

Street im-
provements
and obstruc-
tions, etc.

Trees.

Drainage,
etc.

4. To establish, construct and keep in repair hydrants, reservoirs and other water-works, for the use of extinguishment of fires; to organize, maintain a fire department, to appoint fire wardens; to organize, govern and disband fire, hook and ladder and hose companies; to procure and hold fire engines, hose carriages, hook and ladder instruments and implements for the extinguishment of fires; to erect houses for such fire engines, hose carriages, ladders and other instruments and implements, and to take all other suitable measures for the prevention and extinguishment of fires.

Water-
works.

Fire de-
partment.

Prevention
of fires.

5. To prohibit, regulate and direct the location of all butchers, slaughter-houses and places where the animals may be slaughtered by them, and to prohibit the slaughtering thereof by butchers elsewhere in the village.

Butchers
and
slaughter-
houses.

6. To prohibit and direct the location of houses and places for the storing of gunpowder, and all other combustible and explosive substances, and to regulate or prohibit the keeping or conveyance thereof.

Gunpow-
der and ex-
plosives.

7. To prohibit and abate all nuisances, and also to prohibit the burying of the dead within the corporate limits of said village, except in the Forest Hill cemetery and the Saint Vincent Catholic cemetery.

Nuisances.

Burials.

8. To regulate the speed of railroad trains and engines within said village and also to regulate the blowing of whistles on said engines, within the limits of said village, also to compel the various railroad companies to keep and maintain suitable gates at the several railroad crossings, on Main, High and Exchange streets in said village respectively.

Railroad
trains and
engines.

Gates at
crossings.

9. To restrain and prevent cattle, horses, sheep, dogs, goats, geese, swine and other animals from going at large or grazing in the roads, streets and public places of the village; to proceed against the owner

Running
at large of
animals.

or owners of such animals and geese by an action for the recovery of such penalties as may be imposed by any law or ordinance of the board of trustees prohibiting the same, together with costs of suit.

Sale of meats, etc. 10. To prevent the sale of diseased meats, fruits and vegetables in the village.

Horse racing, etc. 11. To prevent horse racing and immoderate riding and driving, and prevent persons leaving horses or teams in the roads, avenues, streets and public places of the village without being properly tied or fastened.

Police. 12. To establish, regulate and control a day and night police, and to regulate the manner of their appointment and removal, their duties and compensation, and to increase or decrease the number of such police, as the said trustees may from time to time see fit. Such police shall, in addition to the authority that may be conferred upon them by the ordinances of the village trustees, possess and have all the powers of town constables within the village limits for the purpose of preserving the peace and enforcing the ordinances of the village, and they are hereby severally empowered to make arrests, either with or without warrant, for the violation of any such ordinance.

Promotion of welfare and good government, etc. 13. To prevent vice and immorality; to prevent and suppress disorderly assemblages; to preserve peace and good order; to appoint watchmen; from time to time organize such temporary bodies of police as the interests of the village require; to suppress disorderly houses, houses of ill-fame, assignation or licentiousness; to cause vagrants, gamblers, disorderly persons, mendicants, street beggars, common prostitutes and impostors to be apprehended and punished; to protect the inhabitants in their peace, and generally promote the welfare and good government of the corporation.

Discharge of firearms, etc. 14. To prevent and punish the discharge of firearms, rockets, gunpowder and fireworks in the roads, avenues, streets and public places in the village, or in the vicinity of any building therein.

Depositing of unwholesome substances, etc. 15. To prevent the bringing or depositing within the village of any dead carcass or other unwholesome or offensive substance, or to bury the dead within its limits except in the cemeteries hereinbefore provided; to require the removal or destruction by any person who shall have or leave the same upon his premises of any such substance, or of any putrid meats, fish, hides or skins of any kind, and upon default thereof to cause the removal or destruction of the same by some officer of the corporation at the expense of said offender.

Infectious diseases. 16. To take such measure as they may deem proper for the prevention or removal of any pestilential or infectious disease.

Street lines, encroachments and projections. 17. To determine the line of all roads, avenues, streets and public places of the village; hereafter established, laid out or opened to prohibit the encroachment upon any such street, road, avenue or public place by any building, or by any stoop, step, staircase, platform, bay-window, area, cellar door or descent to any basement or cellar, or any sign, awning or other projection from or extending from any building, over or upon any road, street, avenue, sidewalk or other public place; and in case of any encroachment or projection, besides enforcing the penalties which may be prescribed by the board of trustees therefor, in their own discretion to cause the obstruction or projection to be taken down or removed at the expense of the owner or constructor thereof.

Removal thereof. 18. To erect and maintain lights in the roads, avenues, streets and public places of the village, and cause the same to be lighted whenever they deem proper, and to raise the amount necessary to pay for

Street lighting.

the same in the annual tax levy to an amount not exceeding one and one-half mills for every dollar of the assessed valuation.

19. To prohibit the keeping of hogs and the erection of privies within a specified distance from the lands of any other person. Hogs and privies.

20. It shall be the duty of the board of trustees during the month of January in each year to cause to be published in one or more of the newspapers printed in the village a statement showing the financial condition of the corporation on the first day of January in such year, specifying the balance in the village treasury on the first day of January in the year immediately preceding, all moneys received into the village treasury during such preceding year, and when and from what sources, or on what accounts in particular; the several payments out of the village treasury during such preceding year, when and to whom and for what purpose, or on what account particular; the balance in the village treasury on the first day of January in the year in which such statement is published; the outstanding warrants, if any, drawn upon the treasurer during such preceding year, but then not paid by him; the outstanding debts and liabilities of the corporation on the first day of January in the year in which such statement is published, specifying the particular amount of each and every such debt which is certain and the estimate amount of each and every such liability, and when, to whom and for what purpose, or on what account the same respectively were incurred or contracted, when payable, and if with interest the rates of the same, and also specifying any means of the corporation from uncollected taxes or otherwise, applicable when received to the discharge of any indebtedness or liability. Annual financial statement.

21. The owner and occupant of each and every lot or parcel of land adjoining the graded sidewalks in each and every one of the public streets in said village, shall, within the first five hours between sunrise and sunset, after every fall of snow upon said sidewalks in front or adjoining said lot or parcel of land, cause the said snow or ice to be removed from the said sidewalks for the entire length of said walk or parcel of land, and to the width of four feet. In case any such owner or occupant shall neglect to comply with the requirements of this section, within the time hereinbefore limited, it shall be lawful for the trustees of said village to cause the said snow or ice to be removed at the expense of such owner or occupant. If the total amount so paid by the trustees or any part thereof be not repaid to them on or before the first day of May then next ensuing, the said trustees shall cause the said expense so incurred in front of and adjoining each and every separate building, lot or parcel of land, to be assessed, together with the expense of making such assessment, upon the said lot or parcel of land, to be levied and collected in the same manner in all respects as other assessments are levied and collected, and with the same privileges of redemption in case of sale. Snow and ice, removal of by owner.
Trustees may cause removal.
Assessment of expense.

22. It shall not be lawful for persons to assemble and remain around or near the entrance of any church, hall, railroad depot or any other public place, store, shop or dwelling, or at or near any corner or in any other part of any street, unless engaged in some lawful business or avocation, requiring them so to remain, or while necessary* waiting to pass to or from or along any such place, street, store, shop or dwelling. Unlawful assembling of persons.

23. To prohibit and restrain all exhibitions of any natural or artificial curiosities, caravans of animals, theatricals and other shows Exhibitions, etc.

* So in the original.

and exhibitions, circuses or other performances of exhibitions for money or hire, and to authorize the same on such terms as the trustees shall deem expedient.

Removal
of persons
having in-
fectious
diseases.
Hawking
and ped-
dling.

24. To require the removal from said village of all persons not-residents thereof having infectious or pestilential diseases and to authorize any officer of said village to remove such persons.

25. To restrain and regulate hawking and and* peddling in the streets, and to authorize the same on such terms as the trustees shall deem expedient.

Publica-
tion of
proceed-
ings.

26. To cause proceedings of each meeting of the board of trustees to be published in one or more newspapers published within said village, if any, in the issue following each meeting, upon such terms as the trustees may be able to contract, not exceeding the sum of fifty cents per folio for each publication.

Violations
of pro-
visions.

27. Any person violating any of the provisions of sections five, six, seven, fourteen, twenty-three and twenty-four of this title shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail of Wyoming county for a term not exceeding thirty days, or by a fine not exceeding thirty dollars, or by both such fine and imprisonment. When a fine is imposed as above provided, and not paid by the defendant, he may be imprisoned for a term not exceeding one day for each one dollar of the fine so imposed, and remaining unpaid, in addition to any term of imprisonment to which he may have been sentenced.

Punish-
ment of
offenders.

TITLE IV.

DRAINS AND SEWERS.

Drains and
sewers,
powers of
trustees as
to.

SECTION 1. The said trustees shall have the power to make, maintain keep in repair, and from time to time cleanse all public drains, and ditches within said village, and defray the expense thereof out of the highway taxes or any other moneys not raised for any other special purposes; they shall also have jurisdiction and control over all the drains, ditches and sewers within said village, whether in or upon the streets and allies* thereof or elsewhere, and may, in their discretion cause the same or any of them or any part thereof to be kept in repair and from time to time cleanse the same, and the expense thereof paid out of the highway taxes, or said other moneys belonging to said village. They may also in their discretion require the owners or occupants of any lands or lots wherever any private drain, ditch or sewer shall be situated from time to time; to repair and cleanse the same upon their respective premises, as shall be directed by the trustees, and in default thereof said trustees may cause the same to be done, and assess the expense thereof upon such lands or lots, and collect the same from the owners or occupants thereof as other taxes are assessed and collected in said village or they may cause the same to be collected from said owners or occupants by suit in the name of the corporation of said village.

Jurisdic-
tion and
control
over.

Private
drains, etc.
repair and
cleansing
of.

WATER.

Contracts
for water
supply.

§ 2. The board of trustees shall have the power, and is hereby authorized to contract with any water company for supplying the village with water for the purpose of extinguishing fires, and for street sprinkling, and to assess and collect the amount agreed to be paid in such contract as other village taxes are assessed and collected; and any

* So in the original.

such contract entered into by the trustees of said village shall be valid and binding upon said village, provided, however, that no such contract shall be made for a longer period than one year.

TITLE V.

GENERAL FUNDS.

SECTION 1. The trustees of said village shall have the power and it shall be their duty to raise annually by taxation upon the taxable inhabitants of the village and the property therein liable to taxation such a sum of money as they shall deem proper for the planking, flagging, grading and repairing of side and crosswalks, roads, streets and avenues in said village and to carry out the general objects and defray the ordinary expenses thereof, not exceeding in any one year an amount equal to one-half of one per cent of the value of the taxable property in said village, in addition to that especially provided for in this act, and in addition to the poll-tax hereinafter mentioned.

Annual village tax.

HIGHWAY TAX.

§ 2. Said trustees shall have the power to assess, levy and collect by tax upon the taxable inhabitants and property in said village, annually, such an amount, denominated as highway tax, as they shall deem necessary for the purposes mentioned in the last section and not exceeding in the whole the sum therein specified, which highway tax shall be assessed as follows: Each male inhabitant of twenty-one years of age and upwards shall be assessed fifty cents, and the balance shall be assessed among and upon all persons, property and estate, real and personal, incorporated companies, banks and banking associations in said village, according to the value of their real and personal estate in said village, which moneys may be expended by the street commissioner under the direction and control of the trustees, upon the streets, avenues, roads, highways, sidewalks, crosswalks in said village.

Highway tax.

How assessed.

ASSESSMENT-ROLL.

§ 3. The assessment-roll of said village shall contain near the right hand margin, four several and distinct columns, severally denominated and headed "general tax," "highway tax," "poll tax," and "local assessments," and an additional column headed "total," in which to set down the sum total of all the said taxes and assessments. The real estate assessed shall be briefly but properly described, and non-resident lands, if any there be, shall be assessed in the same manner as the lands of the residents. The amount of tax and highway tax levied upon each person named in the roll shall be set down in the proper column, and also the amount of the local assessments, if any against the real estate of such person; and in all cases when any tax, highway tax or local assessment is charged upon any real estate, it shall be set opposite the particular real estate upon which it is charged, and the roll shall contain an entry briefly specifying for what purpose any such local assessment shall be made. The assessment-roll when completed and the taxes, highway taxes and local assessments therein entered, shall be filed with the clerk, and shall then be denominated the tax-roll of the said village; a duplicate thereof shall be made, which with the proper warrant under the hands of the trustees, and

Assessment-roll.

Tax roll of village.

seal of the village, directed to the collector, shall be the authority of the collector to collect said taxes, highway taxes and assessments.

ROLLS FILED.

Tax-rolls, liens. § 4. All tax rolls when correct and completed and filed with the clerk of the village shall be a lien upon the real estate therein described to the amount of the several taxes and assessments as aforesaid.

Powers of collector. The collector of said village shall have the same powers in the collection of all taxes and assessments under warrants issued to him by the trustees for that purpose, as herein provided, as collectors of taxes in towns, under warrants issued by boards of supervisors.

UNPAID TAXES.

Unpaid taxes. § 5. If at any time of levying any annual tax, the tax or assessment levied upon any real estate in any previous year, shall, by reason of omission or defective description of such real estate, or for any other cause, remain unpaid, the amount thereof with interest may be added to such annual tax and charged upon the real estate upon which it was originally assessed, and the same proceedings in all respects for the collection thereof may be had and with like effect as in case of tax or assessment on the same real estate for the then current year, but in all cases of the charging of any tax or assessment of any previous year upon such real estate, the year or years in which the same was originally levied shall be specified in the rolls, and the amount thereof shall be separately specified in the proper column, and the real estate upon which it is charged shall be properly specified therein by the assessors.

Addition of to annual tax.

Proceedings for collection.

ASSESSMENTS, HOW MADE.

Assessments, how made. § 6. The assessors of said village shall, within thirty day's* next before the first day of June, eighteen hundred and ninety, and within thirty days before the first day of April in each year thereafter, ascertain the valuation of all the taxable real and personal property in said village. The assessments shall be made in the same manner as assessors of towns are required by law to make assessments, and the same proceedings shall be had, as nearly as is practicable to make, review, correct and complete the roll thereof, as is prescribed by law for assessors of towns. The said assessment so completed shall be the basis upon which all taxes for general purposes, as well as highway taxes, shall be levied until the completion of the next annual assessment.

SPECIAL TAX, HOW RAISED.

Special tax, how raised. § 7. Whenever the trustees shall, pursuant to the provisions of this act, direct any sum of money to be raised by a general or special tax or for highway purposes, it shall be the duty of the assessors to make a copy of the last assessment-roll of said village, on which they shall apportion the sum to be raised, with such sum in addition thereto as the trustees shall direct as the fees for collecting the same, according to the valuation therein contained. They shall complete and sign said copy-roll and deliver the same to the collector of said village within ten days after the meeting at which said tax was directed to be raised. The said trustees shall indorse on or annex to said roll a warrant for the collection of the taxes therein mentioned.

*So in the original.

ASSESSMENTS.

§ 8. It shall be the duty of the assessors of said village to make an enumeration and assessment of all taxable property within the said village in the same manner as the town assessors, and their assessment-roll shall be completed and notice of the time and place of meeting to review the same shall be given after the year eighteen hundred and ninety, on or before the first day of April in each year, and such assessors have the same powers in respect to assessments as town assessors have, including power of administering oath. They shall include in their roll the names of all persons in said village who are liable to poll-tax for highway purposes. Notice of the time and place of meeting to review their assessment shall be given by posting notices in not less than five public places in said village at least ten days prior to the time of such meeting and by publishing the same in a newspaper published in said village (if any there be printed in said village) at least ten days prior thereto. They may adjourn from day to day as often as necessary, and have the same powers in reviewing such assessment as town assessors. Upon the completion and review of such assessment the assessors shall deliver their roll with like affidavit required by law of town assessors to the clerk who shall file the same. The board of trustees shall estimate and set down the tax thereon. Each assessor shall receive two dollars per day for all time actually spent in the discharge of his duties.

Duties of assessors.

Notice of review of assessments.

Review.

Delivery of roll to clerk.

Compensation.

INTEREST ON UNPAID TAXES.

§ 9. All taxes and assessments which shall remain unpaid for three months after date of the warrant authorizing the collection thereof shall bear interest at the rate of ten per cent per annum from the date of the warrant, and such taxes and interest may be sued for and recovered by the village against any person, persons or corporation liable therefor. In any action to recover any taxes as aforesaid, the assessment or tax-roll shall in all cases be prima facie evidence of the right of recovery of the amount of such tax and interest, and no property shall be exempt from sale for the payment of the same.

Unpaid taxes, interest on.

Action for recovery thereof.

SALE OF PROPERTY.

§ 10. Whenever any person upon whose real estate or property a tax shall be assessed and levied under this act, or by the authority therein given, shall neglect or refuse to pay the same, and there shall be no personal property found whereon the same can be levied, or out of which such tax can be collected, the collector shall make return thereof to the clerk, and thereupon the board of trustees is authorized to cause the real estate on which such taxes have been assessed to be sold at public sale for a term of time for the payment of such taxes, with interest at the rate of ten per cent per annum, giving six weeks' notice of such sale, either by publication in a newspaper published in said village, or by posting notices in at least eight conspicuous places within the limits of said village, and serving personally, notices on the owner of such real estate, or his agent, if a resident of such village, or by depositing the same in the post-office in said village, directed to the owner, postage prepaid, at his place of residence or the nearest post-office thereto, if known. If not known, then by publishing for ten weeks in a newspaper published in said village, if

Sale of lands for unpaid taxes, by trustees.

Notice to be given and served.

Manner of sale. there be any such paper published. Upon such sale such property shall be sold to the person who shall offer to take the same for the shortest term, for the payment of such taxes, with interest at the rate aforesaid, and the expense of such notice and sale. Such sale shall be conducted under the direction of the board of trustees, who shall thereupon, on payment thereof by such purchaser, deliver to him a certificate of such sale, signed by the president, with the corporate seal affixed thereto. The execution of such certificates may be proved or acknowledged as the execution of deeds is proved or acknowledged and be recorded in like manner and with like effect as other conveyances of land.

Certificate of sale to purchaser.

REDEMPTION OF PROPERTY.

Redemption of property. § 11. If the owner of such real estate or property, his heirs or assigns, or persons holding a lien thereon, shall not, within one year after such sale, pay or tender to the purchaser or his legal representatives, or to the treasurer of the said village, the amount so paid by him, with interest at the rate of ten per centum per annum, such purchaser, or his agent, or legal representatives, may, immediately after the expiration of the said one year from the time of such sale, enter into possession of said real estate and hold, occupy and enjoy the same during the term for which it was sold, and the certificate mentioned in the preceding section of this act, duly approved and acknowledged, shall be presumptive evidence of the right of such purchaser after one year to receive possession thereof. In case of* redemption from any sale is made within the time aforesaid, an indorsement shall be made on the certificate of sale showing such redemption, to be signed by the holder of such certificate. The said certificate, thus indorsed, shall be filed with the clerk. A certificate properly proved or acknowledged so as to entitle it to be recorded, showing such redemption, shall also be delivered by the purchaser, or his assignee or representative to the person who makes such redemption.

ENTRY OF SALE BY CLERK.

Entry of sale in proceedings of board. § 12. It shall be the duty of the clerk in all cases of such sale to make an entry of the same in the minutes of the proceedings of the board of trustees, with a description of the property sold, the amount for which the same was sold, the length of term or time, and the name of the purchaser, and of the amount paid for redemption in case the same shall be redeemed.

TITLE VI.

TRUSTEES AS COMMISSIONERS.

Powers of trustees as highway commissioners. SECTION 1. The said board of trustees shall be commissioners of highways in and for said village, and shall have all the powers of commissioners of highways of towns in this state, subject to this act, and as such they shall have the power to lay out, open and change the grade of or otherwise improve roads, avenues, streets, public parks or squares, lanes, crosswalks and sidewalks, and for that purpose take and appropriate any land in said village, but no road, avenue, street, land or sidewalk shall be opened or altered unless all claims for damages on account of such opening or altering shall be released without

Proceedings for improvements

* So in the original.

remuneration except on the written petition of at least ten freeholders, residing in said village, which shall specify the improvement to be made, describe the land to be taken, state the owner or owners thereof when known, and shall be filed in the office of the clerk of the village. On presentation of such petition the trustees shall and must meet and examine the same, and if they decide the improvement shall be made they shall so decide by resolution to be entered in the minutes of the board, and they shall thereupon put up in five public places in said village a correct description of the lands to be taken to make such improvement, and a notice that the trustees, at a place and on a day and an hour therein specified, not less than five days from the date of posting thereof, will meet and hear any objection that may be made to the taking of such land or making such improvement, a copy of which notice must be served personally on the owner or owners of such land at least five days before said meeting, unless said owner is a non-resident of such village, which said notice and description must be deposited in the said village postoffice, with post prepaid thereon, directed to said owner at his or her last known place of residence, at least twenty days before such meeting. Any person interested may be heard and introduce testimony before the board of trustees as to the matter on the day specified in the notice, or on such adjourned days as the board may appoint. After such hearing the trustees may deny the petition, or approve and declare by resolution, to be entered in their minutes, their intention to make the said improvements and proceed to obtain possession of the lands described, in the manner provided by this act.

when damages are claimed. Petition of freeholders.

Decision thereon.

Description of lands.

Notice of hearing.

Hearing of interested parties.

Decision of trustees.

AWARDING DAMAGES.

§ 2. Whenever any road, avenue, street, square or park, lane or sidewalk is opened or altered, the damages claimed by reason thereof may be determined by agreement between the board of trustees and the persons claiming such damages; but in case the damages are not so determined or released, the board shall, on being notified by the president as in case of a special meeting, or at a regular meeting, meet and cause a jury of six freeholders, residents of the county of Wyoming, to be summoned to determine and award said damages. Five days' notice of the time and place of such meeting shall be given to the owner or owners of such lands, if residents of the village, and if not such residents, then notice shall be sent ten days before such meeting, by mail, directed to the place of residence, if known, with postage prepaid thereon, of each of such non-residents. The jury shall be sworn to faithfully and impartially execute their duty, shall examine the premises, hear the proof and allegations of the parties and reduce the testimony to writing, if any is taken; and they shall determine and award to the owner or owners of such lands such damages as they will sustain by the proposed alteration or improvement after making allowance for any benefit which the said owner or owners may derive therefrom. The determination or award of the jury shall be signed by them all and filed in the office of the village clerk, and a copy served on the person entitled to such award, and if no appeal is made within twenty days from the time of such service the determination and award of such jury shall be final and conclusive on all persons interested. A copy of such award, certified by the clerk, under the seal of the village, shall be evidence of the same in all courts and places and all actions and proceedings.

Trustees to summon jury to assess damages.

Notice of meeting.

Duty of jury.

Award of damages.

Award, how filed and served.

Copy of award, evidence.

PERSONS INTERESTED.

Trustees not to act when interested. § 3. No trustee who is interested in any lands taken for such alteration or improvement, shall act with the trustees when sitting as a board to determine the damages or to summon a jury to award damages for taking such land.

APPEALS.

Appeals to county judge. § 4. Any person interested therein, may, within twenty days after notice of the award of the jury, appeal from such award by petition to the county judge of Wyoming county praying for the appointment of three commissioners residing in said county, but who shall not be residents of the village, to review said award to said jury. The person appealing shall execute a bond to the village in its corporate name in the penal sum of two hundred and fifty dollars, with two sureties who shall justify in twice the amount, conditioned for the payment of the fees of said commissioners and costs of the appeal, in case the award of the jury shall not be increased twenty dollars by said commissioners to each party appealing. Filing such bond with the service of a copy of said petition upon the village clerk containing a notice of the time when and the place where the same will be presented to the said judge, shall operate as a stay of proceedings until the decision of the commissioners thereon. All persons appealing from the award of the jury for damages as to one single and continuous alteration or improvement shall join in one petition, and may execute a joint and several bond in two hundred and fifty dollars, with sureties and condition as hereinbefore mentioned, and there shall be but one board of three commissioners appointed to review the award of such jury. At the time mentioned in the notice and when the commissioners are appointed, any person interested may be heard in the matter. The said judge, shall, on hearing the parties, appoint three disinterested electors and freeholders as commissioners, residing in said county but not in the village, to review the award of said jury, and determine and award the damages of the person or persons appealing. If any such commissioners refuse or be unable by reason of absence or incapacity to serve, then the judge shall appoint others in their stead. Immediate notice shall be given by some of the persons appealing to the persons designated as commissioners, and if any one becomes or is disqualified, the judge shall appoint some disinterested person, freeholder and elector, residing in said county, but not in the village, to fill the vacancy. Said commissioners shall meet at said village within ten days after being notified of their appointment. They shall give the president of the village five days' notice of the time and place of their meeting; shall be sworn to do their duty; shall have power to compel attendance of witnesses by subpoena; shall examine the premises and hear the proofs and allegations of the parties, and shall award such damages to the party appealing as they shall deem just. The award of the commissioners shall be signed by them and returned to the president of the village within fifteen days after the first meeting of the commissioners and shall be filed with the clerk. The report of the said award shall also be made to the county judge aforesaid by the commissioners, which, if he approve, shall be final; if he disapproves then the judge shall appoint three other commissioners who shall proceed in the manner before prescribed and make their report with the award to be filed with the clerk of said village, and said award shall be final and conclusive on all persons interested, and the board of trustees

Bond of appellant.

Stay of proceedings.

Several appeals.

Hearing.

Commissioners to review awards.

Award.

Possession of land.

may thereupon take possession of the land and make the said alterations or improvements. On declaring the award the commissioners shall each be paid by the treasurer of the village three dollars per day for their services, and the amount so paid shall be collected by suit, if not otherwise paid, with other proper expenditures made by and for the village in and about said appeal on the bond referred to in this section, given by the person or persons appealing. In case the person or persons appealing are liable to pay the costs of the appeal under the provisions of this act. In all cases of appeal under this section the judge to whom the appeal is made shall by order, appoint guardians for any infant, lunatic or idiot interested in said proceedings.

Compensation of commissioners.

Guardians for infants, etc.

ASSESSMENT OF DAMAGES.

§ 5. Whenever a final award is made for damages sustained by reason of making such alteration or improvement, the person acting as assessor may within twenty days thereafter assess the amount of such damages upon the estates, real and personal, in said village, and make out an assessment-roll of such damages, which assessment-roll shall be signed by the president and filed with the clerk and be collected in the same manner as the annual tax is collected, and the trustees shall, within one year of the filing of such final award, pay or tender the amount of such damages to the person to whom the same shall have been awarded; and in case such owner shall refuse the same or be unknown, or a nonresident of the said village, idiot or lunatic, or the rights and interests of persons claiming the same shall be doubtful, it shall in such cases be lawful for the board of trustees to pay the amount of such damages to the county treasurer of the county where said land is situated, for the benefit of such person or persons as may be entitled to the same, accompanied by a statement of the facts under which such payment was made. The board of trustees shall cause the clerk of said village to make and enter in the said village records of the money deposited, stating the amount with the names of the parties by the awards declared to be entitled to the same. On the proper person or persons being ascertained who are entitled to receive such money the president of the village is authorized to draw an order on said county treasurer, countersigned by the clerk, and payable to the order of the person or persons entitled to such money, for the amount due such person or persons. Upon the presentation of which the county treasurer is authorized to pay the same.

Assessment of damages.

Payment or tender of awards

TITLE VII.

BORROWING MONEY.

SECTION 1. The board of trustees may from time to time, borrow money for the use of the corporation, on temporary loans, in anticipation of the taxes for the current fiscal year and payable with or without interest to the extent of but not to exceed in any one year fifteen per cent of the taxes to be raised for general purposes, which money so borrowed, together with any interest thereon shall always be made payable, and shall be paid within two months from the termination of the year in which such loan or loans shall be respectively made, and to secure the payment of the money so borrowed, either with or without interest, they may give their notes as trustees of such

Temporary loan in anticipation of taxes.

Notes to secure payment.

corporation, which shall be binding upon the said corporation. No such notes shall be negotiated for less than the par value thereof, respectively, nor shall bear a greater interest than six per cent per annum.

THE USE OF SUCH MONEYS.

Funds of corporation.

§ 2. The moneys levied upon the village taxes, and all assessments, fines, penalties, rents and other moneys recovered or received by the trustees, collector or treasurer shall be funds of the corporation, to be applied by the board of trustees to the objects and purposes of this act.

ORDINANCES.

Power to make ordinances, etc.

Penalties.

Publication of ordinances, etc.

§ 3. For all or any of the purposes mentioned in this act and for the execution of the several powers and duties thereby conferred and imposed upon them, the board of trustees may appoint, adopt, establish, modify, amend and repeal all such laws, ordinances, rules and regulations and by-laws as may be suitable for the purpose and not contrary to law, and may therein and thereby prescribe such penalties, fines and forfeitures for the violation thereof as they may deem proper, not exceeding thirty dollars for any one offence, and collect the same with costs of suit, of any person or persons guilty of such violation in any court having jurisdiction of the case; all law, ordinances, rules and regulations for the general government of the village, whereby any penalty, fine or forfeiture shall be imposed for the violation thereof shall be published for three consecutive weeks in one of the newspapers printed in said village, if there be any, and by posting copies thereof in at least six conspicuous places in the village. Such period to be computed from and exclusive of the day on which such copies shall be posted.

MEETING OF BOARD.

Meetings of trustees.

§ 4. The board of trustees shall hold regular meetings at least once in each month, at such time and place within the village as shall be specified in their by-laws, and may meet as much oftener as the public business may require. Special meetings shall be held whenever required by the president or any two of the trustees. All meetings of the board of trustees shall be public, and all persons may attend the same.

QUORUM.

Business quorum.

Concurrence of three trustees, when necessary.

§ 5. A majority of the trustees, when duly convened, shall be a quorum, competent to transact any business that may be lawfully transacted by the board. The vote or assent of the majority of those present at any lawful meeting of the board when there is a quorum shall be necessary to render legal and valid any act done or business transacted at such meeting; but no law, ordinance or by-laws shall be made, adopted, established, modified, amended or repealed, or any improvement requiring a local or special assessment determined upon, if any such assessment laid, imposed or altered, or the sum to be raised as the annual tax in any year determined, or any officer of the corporation appointed or removed, or any money appropriated for the* celebration or any donation unless at least three of the trustees shall

*So in the original.

concur therein, respectively, and the names of those voting in the affirmative, and also those voting in the negative shall in every case in which such restriction is hereby imposed, be specified in the minutes of the board. No trustee shall vote on any question in which he has a special pecuniary interest.

Trustees not to vote when interested.

RECORDS OF ORDINANCES.

§ 6. The clerk of the board of trustees shall record in a book, to be provided for that purpose, every law, ordinance, rule, regulation and by-law enacted or adopted by the board of trustees, which shall be signed by the president or acting president, and also by the clerk, to which shall be subjoined a certificate subscribed by the clerk, of the time and manner of the publication of the same, in cases where publication is required. Every such law, ordinance, rule, regulation, resolution or by-law and all other acts or proceedings of the board of trustees may be read in evidence in all courts and places in this state, either from a copy thereof, duly certified under the corporate seal by the president and clerk of the board, or from any printed volume containing the same, and accompanied by a certificate of such president and clerk that such volume contains a correct transcript of the proceedings of the said board of trustees, and was printed by the authority of the board, the publication required by section three of this title, may be proved by the production of the original record of such publication made as above required, or by a copy of such record, duly certified under the corporation seal by the president and clerk of the board. Copies of all papers or records duly filed in the office of the clerk of the board, certified in the manner above provided, may be given in evidence with the same effect as if the original were produced.

Record of ordinances

Ordinances, etc., how read in evidence.

§ 7. The said board of trustees shall have the power to remit or modify any fine, penalty or judgment imposed or recovered for the violation of any law or ordinance, rule or regulation of the board of trustees.

Remittance, etc., of fines and penalties.

§ 8. The existing resolutions, laws, ordinances, rules, regulations and by-laws of the board of trustees, and such others as may be passed or adopted in conformity with the provisions of this act shall be and continue in full force and effect until duly modified or repealed.

Existing ordinance, etc., continuation of.

§ 9. The lawful acts and proceedings of the present board of trustees or their successors in relation to improvements in the village, when such acts, proceedings or improvements have actually been commenced and not completed before this act shall take effect, or where the expense of the assessment thereof remain unpaid or uncollected, shall remain in full force; and the present board of trustees and their successors shall have the power to proceed and complete the same, and to assess and collect the expense and damages in like manner and with like effect as if this act had not been passed; such further proceedings, however, to be subject to and in accordance with the provisions of this act.

Acts and proceedings as to improvements commenced.

§ 10. All former acts and parts of acts relating to the village of Attica, inconsistent herewith are hereby repealed, except as herein otherwise provided; but such repeal shall not affect any lawful act or right done, accrued or established, or any suit, action, prosecution or proceeding had or commenced prior to the time when this act shall take effect, but in every such act, claim, right, suit, action, prosecution and proceeding shall remain and continue valid and effectual as if the acts hereby repealed had remained in force.

Repeal.

Proviso.

§ 11. This act shall take effect immediately.



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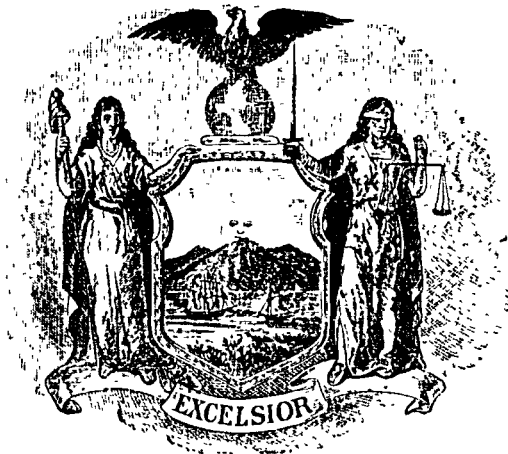
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L A W S
OF THE
STATE OF NEW YORK.
VOL. I,
PASSED AT THE
ONE HUNDRED AND FIFTEENTH SESSION
OF THE
LEGISLATURE,

BEGUN JANUARY FIFTH, 1892, AND ENDED APRIL TWENTY-FIRST, 1892,
IN THE CITY OF ALBANY; AND AT AN EXTRAORDINARY SES-
SION, BEGUN ON APRIL TWENTY-FIFTH, 1892 AND
ENDED ON APRIL TWENTY-SIXTH, 1892.



ALBANY:
BANKS & BROTHERS, PUBLISHERS.
1892.

the said state board of health adopted for the removal of the sources of danger from tuberculosis in milch cows or other cattle, or any infectious or contagious disease in domestic animals in any part of the state, shall be guilty of a misdemeanor, and shall also be liable to pay a fine of one hundred dollars, which fine the state board of health is hereby authorized to sue for and collect in its name in any court of this state.

§ 6. All expenses incurred by the state board of health in carrying out the provisions of this act and in performing the duties hereby devolved upon it shall be audited by the comptroller as other expenses of the said state board of health, and the sum of five thousand dollars, or so much thereof as may be necessary, is herewith appropriated out of any money in the treasury not otherwise appropriated for carrying out the provisions of this act.

§ 7. The actual value at the time they are killed, of any animals slaughtered, under the provisions of this law, to be ascertained and determined as hereinafter provided, may be paid to the owners of such cattle under and pursuant to any resolution of the said state board of health providing for such payment, and the board of claims shall have exclusive jurisdiction to hear, audit and determine all claims which shall arise under the provisions of this act and to allow thereon such sums as should be paid by the state; provided, however, that no compensation shall be made under the provisions of this act or otherwise to any person who shall willfully have concealed the existence of disease among his animals, or upon his premises, or who shall in any way directly or indirectly, by act or by willful neglect, have contributed to the spread of disease sought to be suppressed or prevented; and provided, further, that such claims shall not have accrued more than two years prior to the filing of the said claims.

§ 8. This act shall take effect immediately.

CHAP. 488.

AN ACT for the protection, preservation and propagation of birds, fish and wild animals in the state of New York and the different counties thereof.

APPROVED by the Governor May 5, 1892. Passed, three-fifths being present.

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

CHAPTER THIRTY-ONE OF THE GENERAL LAWS.

THE GAME LAW.

- ARTICLE
1. Board of commissioners of fisheries.
 2. Game protectors, powers and duties.
 3. Quadrupeds.
 4. Birds.
 5. Fish.
 6. Miscellaneous and local provisions.
 7. Special provisions as to Queens and Suffolk.
 8. Shell-fish.
 9. Private grounds and parks.
 10. Prosecutions.
 11. Fishways.
 12. Laws repealed, definitions and other provisions.

ARTICLE I.

BOARD OF COMMISSIONERS OF FISHERIES.

- SECTION 1.** Short title of chapter.
 2. Commissioners of fisheries, how appointed.
 3. Terms of office of commissioners.
 4. Commissioners to be paid expenses.
 5. Office and clerical force.
 6. Duties of board of commissioners.
 7. Board to report annually to legislature.

SECTION 1. Short title of chapter.—This chapter shall be known as the game law.

§ 2. **Commissioners of fisheries, how appointed.**—The governor shall appoint five commissioners of fisheries, who shall constitute the board of commissioners of fisheries.

§ 3. **Terms of office of commissioners.**—The terms of office shall be at the time of the first appointment, one, two, three, four and five years, respectively; but as the term of each commissioner shall expire, appointments shall be made for the full term of five years, but in case of vacancy the appointment shall be made for the unexpired term. The commissioners shall designate one of their number as shell-fish commissioner, who shall have charge of the shell-fish work of the commission, and shall certify to the commission as to whether the grounds applied for are oyster beds of natural growth.

§ 4. **Commissioners to be paid traveling and incidental expenses.**—The commissioners shall receive no compensation for their services, but shall each be paid their travel and contingent expenses, while engaged in the performance of their duties.

§ 5. **Office and clerical force.**—The board of commissioners shall have an office in the capitol at Albany and shall hold meetings at such office on the first Friday of January, March, May, July, September and November, and at such other times and places as the commissioners shall appoint for the transaction of business. It may have a branch office in the city of New York. It shall be allowed a secretary at a salary of two thousand dollars, and such other clerical assistance as shall be actually needed, together with the necessary contingent office expenses.

§ 6. **Duties of board of commissioners.**—The duties of the board of commissioners shall be to propagate and distribute food-fish and to keep up the supply thereof in the various waters of the state, and for this purpose it shall have the conduct and control of such hatching stations as are now owned or operated by the state and such as may be hereafter established. The commission shall also have the care of the lands under water which have been designated, surveyed and mapped out, pursuant to law, for oyster beds, and power to grant franchises of such lands according to the provisions of laws now in force or which may be hereafter enacted. It shall also possess the powers and perform the duties given and imposed by this chapter and by other provisions of law.

§ 7. **Board to report annually to legislature.**—The board of commissioners shall annually make a full report to the legislature of all their official operations for the year ending on the thirtieth of September previous, with such suggestions and recommendations as they shall deem useful. The present commissioners shall continue to hold their offices until new appointments are made under the provisions of this act.

ARTICLE II.

GAME PROTECTORS, POWERS AND DUTIES.

- SECTION 20. Game and fish protectors, how appointed.
 21. Term of office of game protectors.
 22. Chief game and fish protector.
 23. Protectors to give bonds.
 24. Compensation of protectors.
 25. Office of chief protector to be in the capitol.
 26. Duties of protectors.
 27. Records and reports.
 28. Payment of salary and expenses.
 29. Reports by chief protector to the board of commissioners.
 30. Special protectors.
 31. Powers of sheriffs, constables and deputy sheriffs.
 32. Nets to be destroyed by protectors.
 33. Expense of seizure of nets.

§ 20. **Game and fish protectors, how appointed.**—The board of commissioners of fisheries shall appoint twenty game and fish protectors whose powers and duties are hereinafter defined, and who shall be known as game protectors.

§ 21. **Terms of office of game protectors.**—Game and fish protectors so appointed, shall hold office during the pleasure of the board of commissioners, which may summarily remove any of their number and appoint another in his place.

§ 22. **Chief game and fish protector.**—The board of commissioners shall from time to time designate one of such protectors as chief protector, who shall remain such during the pleasure of the board, and who shall have the direction, supervision and control of the other protectors.

§ 23. **Protectors to give bonds.**—The chief protector shall give a bond to the board of commissioners with sureties in the sum of one thousand dollars, and each of the other protectors a bond with sureties in the sum of five hundred dollars conditioned for the faithful discharge of his duties, such bond to be approved by the commissioners. Any action thereon shall be brought in the name of the people.

§ 24. **Compensation of protectors.**—Compensation of the chief protector shall be two thousand dollars per annum, payable monthly, and he shall be allowed his actual expenses of travel in the performance of his duty, not exceeding one thousand dollars per year; each other protector shall receive five hundred dollars per annum, payable monthly, and an allowance for expenses not exceeding four hundred and fifty dollars per year, and the chief protector or other protector shall receive one-half of all the penalties collected in actions brought upon information furnished by him.

§ 25. **Office of chief protector to be in the capitol.**—The chief protector shall be assigned rooms in the capitol as his headquarters, and he is authorized to employ necessary clerks at an expense not exceeding one thousand dollars per annum.

§ 26. **Duties of protectors.**—The game and fish protectors shall enforce all the fish and game laws of the state, and the provisions supplementary thereto, made by boards of supervisors for the additional protection of fish and game.

§ 27. **Records and reports.**—Each protector shall keep a daily record of his official acts, and at the close of each month make a summary of such record with such statements in detail as shall be

necessary for the information of his chief and report the same to the chief protector.

§ 28. **Payment of salary and expenses.**—Payment of salary and traveling expenses to protectors shall only be made upon the certificate of the chief protector, that the protector has made such report and properly performed his duty.

§ 29. **Reports by chief protector to the board of commissioners.**—The chief protector shall report to the board of commissioners any negligence or dereliction of duty or incompetency on the part of any of the protectors with the facts relating thereto, and he shall report monthly to said commissioners, the operation of his department, during the preceding month, and shall make such further reports as may be required by the board of commissioners.

§ 30. **Special protectors.**—The board of commissioners may, in its discretion and at pleasure, appoint, or remove a person, recommended by any board of supervisors or by any incorporated society for the protection of fish and game, as special protector, who shall possess the same powers that are conferred upon the state protectors; such special protectors shall receive no compensation from the state. They shall make similar reports to those required from state protectors.

§ 31. **Powers of sheriffs, constables and deputy sheriffs.**—Peace officers shall have the same powers as are conferred upon game protectors for the enforcement of the provisions of this chapter.

§ 32. **Nets to be destroyed by protectors.**—It is the duty of every protector to seize, remove and forthwith destroy any net, pound or other device for taking fish found in or upon any of the waters of this state, where fishing with such nets or devices is prohibited or illegal, or upon the shores or islands of such waters, and such nets, pounds or other devices are declared to be a public nuisance and may be abated and summarily destroyed by any game protector and no action for damages shall lie or be maintained against any person for such seizure or destruction.

§ 33. **Expense of seizure of nets.**—The reasonable expense of any seizure, removal or destruction of such nets, pounds or other devices shall be a county charge against the county in which the same shall be seized and shall be audited and paid as other county charges are paid, on the certificate of such protector, stating the time and place of such seizure and destruction, the names of the persons employed therein, the time spent thereabout, and the money advanced, if any, and to whom, and shall be verified by the oath of such protector making such seizure and destruction.

ARTICLE III.

QUADRUPEDS.

SECTION 40. Deer close season.

41. Deer or venison, when not to be possessed.

42. Fawns not to be killed.

43. Traps.

44. Hounding.

45. Dogs may be killed.

46. Transportation.

47. Crusting and yarding.

48. Moose, caribou and antelope.

49. Black and gray squirrels.

50. Hunting, et cetera, on Sunday prohibited.

51. Penalties.

52. Bears, wolves and panthers, bounty.

53. Claim for bounty how proven.

54. Certificate to be issued.

55. County treasurer to pay certificate.

§ 40. **Deer close season.**—Wild deer shall not be caught, shot at, hunted or killed between the first day of November and the fifteenth day of August following. No person shall kill or take alive more than two deer in any season. And in the counties of Ulster, Greene, Sullivan and Delaware no wild deer shall be caught, shot at, hunted or killed at any time within five years from the passage of this act; and except that deer may be taken alive in any part of the state at any season of the year to be placed in the deer parks belonging to the state for the purpose of breeding.

§ 41. **Deer or venison, when not to be possessed.**—Wild deer or venison shall not be possessed or sold between the fifteenth day of November and the fifteenth day of August following, and possession thereof, between the first day of November and fifteenth day of November is forbidden and shall be deemed a violation of this section unless it be proved by the possessor or seller that such deer or venison was killed within the lawful period for killing or out of the state.

§ 42. **Fawns not to be killed.**—No fawns shall be caught or killed at any time in this state, nor any part thereof be possessed at any time; possession of fawns shall be presumptive evidence of the violation of this section.

§ 43. **Traps.**—Traps or any device whatsoever to catch or entice deer, including salt-licks, shall not be made, set or used, and deer shall not be caught, hunted or killed by aid or use thereof.

§ 44. **Hounding.**—Deer shall not be hunted with dogs between the eleventh day of October and the tenth day of September following. Dogs of the breed commonly used for hunting deer shall not be permitted by the owner or person harboring the same to run at large between such dates, in the forest where deer inhabit. Deer shall not be hunted with dogs in the counties of St. Lawrence, Delaware, Greene, Ulster at any time, or in Sullivan county between the first day of December and the first day of October.

§ 45. **Dogs may be killed.**—Dogs, while chasing deer in violation of law may be killed by any person.

§ 46. **Transportation.**—Deer or venison killed in this state shall not be transported to any point within the state from or through any of the counties thereof or possessed for that purpose, except as follows: One carcass or a part thereof may be transported from the county where killed when accompanied by the owner. The possession of deer or venison by common carriers, unaccompanied by the owner, is a violation of this section. This section does not apply to the head and feet or skin of deer severed from the body.

§ 47. **Crusting and yarding.**—Deer shall not be hunted, killed or captured by what is commonly known as crusting nor while they are yarded.

§ 48. **Moose, caribou and antelope.**—Moose, caribou or antelope shall not be hunted, killed, possessed, or sold, during the close season for the possession of deer or venison, after the same have been killed.

§ 49. **Black and gray squirrels.**—Black and gray squirrels shall not be hunted, shot at, killed, or possessed after the same have been killed, between the first day of January and the first day of September, except as provided by section one hundred and seventy-one.

§ 50. **Hunting, et cetera, on Sunday prohibited.**—Shooting, hunting, trapping or caging birds or wild beasts, on Sunday, is forbidden.

§ 51. **Penalties.**—An attempt to violate the provisions of this

article shall be deemed a violation thereof. A violation of its provisions is a misdemeanor and in addition the violator of sections forty, forty-one, forty-two, forty-three, forty-four, forty-six, forty-seven and forty-eight is liable to a penalty of one hundred dollars for each violation, and the violator of sections forty-nine, fifty and fifty-one to a penalty of twenty-five dollars for each violation.

§ 52. **Bears, wolves and panthers, bounty.**—A bounty of ten dollars for each bear, thirty dollars for each grown wolf, fifteen dollars for each pup wolf and twenty dollars for each panther shall be paid to any person who shall kill such animals in this state.

§ 53. **Claim for bounty, how proven.**—The killing of a bear, wolf or panther shall be proved by affidavit satisfactory to the supervisor and one of the justices of the town where the animal was killed and the delivery to them of the skull and skin thereof, which skull shall be by them burned and the skin branded so as to be capable of identification.

§ 54. **Certificate to be issued.**—The supervisor and justice so acting shall issue to the person making such satisfactory proof a certificate directed to the county treasurer of the county, stating the kind of animal killed, the date of killing and amount of bounty to which the person is entitled.

§ 55. **County treasurer to pay certificates.**—The county treasurer to whom such certificate is directed, shall pay the amount of bounty specified in said certificates to the person holding the same, out of the funds of the county, and on the presentation of said certificate to the comptroller, he shall allow the amount thereof to the county by which it was paid in settlement of taxes due therefrom.

ARTICLE IV.

BIRDS.

SECTION 70. Wild fowl, close season.

71. Manner of killing.

72. Quail, close season.

73. Quail, when not to be possessed.

74. Woodcock and grouse, close season.

75. Woodcock and grouse, when not to be possessed.

76. Woodcock and grouse, when not to be transported.

77. Plover and other birds, close season.

78. Certain wild birds protected.

79. Robins and meadow larks, close season.

80. Destroying or robbing nests.

81. Snaring, netting or trapping certain game birds forbidden.

82. Penalties.

83. Authority to collect birds, et cetera for scientific purposes.

84. Steps to be taken to procure certificate.

85. Time for which certificate shall be in force.

§ 70. **Wild fowl, close season.**—Web-footed wild fowl, except geese and brant, shall not be pursued, shot at, hunted, killed, possessed or sold between the first day of May and the first day of September, except as provided by section one hundred and sixty-one, and shall not be pursued, shot at, hunted or killed between sunset and daylight. On the Hudson river, south of Iona island, and on that portion of Lake Ontario known as Great Sodus bay, floating devices may be used for the purpose of shooting webfooted wild fowl, and said birds may be pursued and killed from sail boats, steam launches and boats propelled by hand.

§ 71. **Manner of killing.**—Webfooted wild fowl shall not be pursued, shot at, hunted, killed or caught in any way, save with gun raised at arm's length and fired from the shoulder without other rest; nor from any boat other than a boat propelled by hand or floating device except as provided by sections seventy and one hundred and sixty-two; nor by the use of any bough-house at a greater distance than fifty feet from either the shore or a natural growth of grass or flags. Such fowls caught or killed in any manner prohibited by this section, shall not be brought to the shore, sold or possessed.

§ 72. **Quail, close season.**—Quail shall not be pursued, shot at, hunted or killed between the first day of January and the first day of November except as provided in section one hundred and sixty-five.

§ 73. **Quail, when not to be possessed.**—Quail shall not be sold or possessed between the first day of February and the first day of November, but possession thereof between the first day of January and the first day of February is forbidden and shall be deemed a violation of this section, unless it be proved by the possessor that said birds were killed within the lawful periods for killing the same or outside the state, and they shall not be killed or possessed in the counties of Genesee, Wyoming, Orleans, Livingston, Monroe, Cayuga, Seneca, Wayne, Tompkins, Tioga, Onondaga, Ontario, Steuben and Cortland for a period of five years.

§ 74. **Woodcock and grouse, close season.**—Woodcock, ruffed grouse, commonly known as partridge, or any member of the grouse family, shall not be pursued, shot at hunted or killed between the first day of January and the fifteenth day of August, except as provided by section one hundred and sixty-four.

§ 75. **Woodcock and grouse, when not to be possessed.**—Woodcock, ruffed grouse, commonly known as partridge, or any member of the grouse family, shall not be sold or possessed between the first day of February and the fifteenth day of August, and possession or sale thereof between the first day of January and the first day of February is forbidden and shall be deemed a violation of this section, unless it be proved by the possessor or seller that said birds were killed within the lawful period for killing the same or out of the state, except as provided by sections one hundred and forty-nine and one hundred and sixty-four.

§ 76. **Woodcock and grouse, when not to be transported.**—Woodcock, ruffed grouse, commonly known as partridge, or any member of the grouse family or quail killed in this state, shall not be transported to any point within this state, from any of the counties thereof, or possessed for that purpose, except that such birds may be transported from the county where killed, when accompanied by the owner thereof. Possession of the birds named by a common carrier, unaccompanied by the owner, is a violation of this section, unless it be proved by such common carrier that the birds were killed out of the state.

§ 77. **Plover and other birds, close season.**—Wilson's, commonly known as English snipe, plover, rail, mud hen, gallinule, grebe, bittern, surf bird, curlew, water chicken, bay snipe or shore birds, shall not be pursued, shot at, hunted, killed or possessed between the first day of January and the first day of September, except as provided by section one hundred and sixty-three, and excepting in the counties of Onondaga, Wayne, Oneida, Cayuga, Wyoming, Genesee, Niagara and Monroe, Erie, Chautauqua, Cattaraugus and Orleans.

§ 78. **Certain wild birds protected.**—Wild birds shall not be

killed or caught at any time or possessed after the same have been killed. This provision does not affect any birds the killing of which is prohibited between certain dates by the provision of this chapter, nor does it protect the English sparrow, crane, hawk, crow, raven, crow-black-birds, common black-birds or king-fisher. It does not apply to any person holding a certificate under the provisions of this chapter.

§ 79. **Robins and meadow larks, closed season.**—Meadow larks shall not be shot at, hunted, killed or possessed after they have been killed, between the first day of January and the first day of November. Robins shall not be killed at any time.

§ 80. **Destroying or robbing nests.**—The nests of wild birds shall not be robbed or willfully or needlessly destroyed, unless when necessary to protect buildings or prevent their defacement. This section does not apply to the English sparrow, hawk, crane, crow, raven, crow-black bird or king-fisher.

§ 81. **Snaring, netting or trapping certain game birds forbidden.**—Ruffed grouse, commonly known as partridge, or any member of the grouse family, or quail, shall not be trapped, netted or snared, nor shall any person possess any of said birds, so taken, nor shall any net, trap or snare of any kind commonly used for taking ruffed grouse, or any member of the grouse family, or quail, be set. Any such net, trap or snare is declared to be a public nuisance and may be abated and summarily destroyed.

§ 82. **Penalties.**—An attempt to violate any of the provisions of this article shall be deemed a violation thereof. A violation of any of its provisions is a misdemeanor, and in addition the violator is liable to a penalty of twenty-five dollars for each bird killed, trapped or possessed contrary to the provisions of this section.

§ 83. **Authority to collect birds, et cetera, for scientific purposes.**—Certificates may be granted by any incorporated society of natural history in the state or by the regents of the university of the state of New York, through such person or officers as said society may designate, to any properly accredited person of the age of eighteen years or upwards, permitting the holder thereof to collect birds, their nests or eggs, for strictly scientific purposes only. In order to obtain such certificate the applicant for the same must present to the person or persons having the power to grant said certificates written testimonials, from two well-known scientific men, certifying to the good character and fitness of said applicant to be intrusted with such privilege.

§ 84. **Steps to be taken to procure certificate.**—Such person, except officers of the New York state museum, must pay to said persons or officers one dollar to defray necessary expenses attending the granting of such certificate, and must file with said persons or officers a properly executed bond in the sum of two hundred dollars, signed by two responsible citizens of the state as sureties. This bond shall be forfeited to the state and the certificate become void upon proof that the holder of such certificate has killed any bird or taken the nests or eggs of any bird for other than the purposes above named.

§ 85. **Time for which certificates shall be in force.**—Such certificates shall be in force for one year only from the date of their issue and shall not be transferable.

ARTICLE V.

FISH.

SECTION 100. Polluting streams.

101. Taking fish by drawing off water, forbidden.
102. Unlawful devices and explosives prohibited.
103. Waters not to be stocked from streams.
104. Fishing through the ice in waters inhabited by trout et cetera, forbidden.
105. Trout, close season.
106. Trout not to be taken unless six inches in length.
107. Trout, et cetera, not to be disturbed while spawning.
108. Salmon trout and land locked salmon, close season.
109. Certain fish not to be transported.
110. Black bass and Oswego bass, close season.
111. Bass to be not less than eight inches long.
112. Muskallonge, close season.
113. Salmon, close season.
114. Salmon to be not less than eighteen inches in length.
115. Size of meshes of nets regulated.
116. Sale of salmon trout when permitted.
117. Signboards near fishways.
118. Fishing near fishways prohibited.
119. Fish propagation not interfered with.
120. Penalties.

§ 100. **Polluting streams.**—No dye stuff, coal tar, refuse from gas-houses, sawdust, shavings, tanbark, lime or other deleterious or poisonous substance, shall be thrown or allowed to run into any of the waters of this state, either private or public, in quantities destructive to the life of, or disturbing the habits of fish inhabiting the same.

§ 101. **Taking fish by drawing off water, forbidden.**—No fish shall be taken by shutting or drawing off any water for that purpose.

§ 102. **Unlawful devices and explosions prohibited.**—No fish shall be fished for, caught or killed in any of the inland fresh waters of this state, in any manner or by any device, except angling, save only as provided by sections one hundred and thirty-six, one hundred and forty-one, one hundred and forty-three and one hundred and forty-five. The use of dynamite or other explosives in any waters of the state is prohibited, except for mining and mechanical purposes. Fish taken contrary to the provisions of this section shall not be knowingly possessed.

§ 103. **Waters not to be stocked from streams.**—No trout of any kind, salmon trout or land-locked salmon shall be taken from any of the waters of this state for the purpose of stocking a private pond or stream.

§ 104. **Fishing through the ice in waters inhabited by trout, et cetera, forbidden.**—No fish shall be fished for, caught or killed through the ice in any waters inhabited by trout, salmon trout or land-locked salmon, nor shall any attempt be made to so catch the same, except as permitted by sections one hundred and thirty-three one hundred and forty and one hundred and forty-one.

§ 105. **Trout, close season.**—Trout of any kind shall not be fished for, caught, killed or possessed between the first day of September and the fifteenth day of April following, except as provided by sections one hundred and sixty-six and in Spring Brook creek, situated in the counties of Monroe and Livingston, trout shall not be fished for, caught or taken between the first day of September and the first day of April following and except in the waters of Lake George, where

the same shall not be fished for between the first day of September and the first day of May.

§ 106. **Trout not to be taken unless six inches in length.**— Trout of any kind, salmon trout or land-locked salmon, less than six inches in length, shall not be intentionally taken or possessed, and in case any such fish is caught or taken, the person taking it shall immediately place such fish back in the waters from which it was taken, without unnecessary injury.

§ 107. **Trout, et cetera, not to be disturbed while spawning.**— Trout of any kind, salmon trout or land-locked salmon, shall not be willfully molested or disturbed while upon their spawning beds during the close season, nor shall such fish or any spawn or milt from any such fish be taken or carried away while upon the spawning beds.

§ 108. **Salmon trout and land-locked salmon, close season.**— Salmon trout and land-locked salmon shall not be fished for, caught or killed, in the inland waters of this state between the first day of October and the first day of May following, nor shall such fish so caught be possessed, except as otherwise provided by sections one hundred and sixteen and one hundred and sixty-seven.

§ 109. **Certain fish not to be transported.**— Trout of any kind, salmon trout or land-locked salmon, caught in any of the inland waters of this state shall not be transported to any point within the state from any of the counties thereof, or possessed for that purpose, except when accompanied by the owner. Possession thereof by a common carrier, unaccompanied by the owner is a violation of this section.

§ 110. **Black bass and Oswego bass, close season.**— Black bass, or Oswego bass, shall not be fished for, caught, killed or possessed between the first day of January and the thirtieth day of May, except as provided by sections one hundred and forty-four and one hundred and sixty-eight.

§ 111. **Bass not to be taken less than eight inches in length.**— No black bass, less than eight inches in length shall be intentionally taken from any of the waters of this state, nor possessed, and in case any such fish is caught or taken the person taking it shall immediately return it to the waters from which it was taken without unnecessary injury.

§ 112. **Muskallonge, close season.**— Muskallonge shall not be fished for, caught, killed or possessed between the first day of January and the thirtieth day of May.

§ 113. **Salmon, close season.**— Salmon shall not be fished for, caught, or killed between the fifteenth day of August and the first day of March following, nor shall such fish taken between those dates in this state be possessed.

§ 114. **Salmon not to be taken under eighteen inches in length.**— No salmon less than eighteen inches in length shall be intentionally taken alive from any of the waters of this state, nor possessed, and in case any such fish is caught or taken the person taking it shall immediately place such fish back in the waters from which it was taken without unnecessary injury.

§ 115. **Size of meshes regulated.**— The use of seines, pound-nets, gill-nets or fykes for taking fish the meshes of which shall be less than one and an-eighth inch bar is forbidden, except as provided by sections one hundred and thirty-four, one hundred and forty-five, one hundred and forty-six and one hundred and seventy-three.

§ 116. **Sale of salmon trout, when permitted.**— It shall be law-

ful to possess and sell at any time salmon trout, sometimes known as lake trout, if said fish have not been taken from the inland waters of this state during the close season, but possession of such fish between the first day of October and the first day of May following is forbidden, and shall be deemed a violation of section one hundred and eight, unless it be proved by the possessor that such fish were not caught in such inland waters during the close season.

§ 117. **Signboards near fishways.**—The commissioners of fisheries are required to maintain, fifty rods from any fishway erected by the state, and on both sides of the stream, signboards containing substantially the following notice: “Fifty rods to the fishway; all persons are by law prohibited from fishing in this stream between this point and the fishway.”

§ 118. **Fishing near fishways prohibited.**—Fishing or attempting to take fish by any device whatever, within fifty rods of a fishway, erected by the state, and any interference with the signboards there maintained by the commissioners of fisheries, is forbidden.

§ 119. **Fish propagation not interfered with.**—The operations of state and public hatcheries, the removal of deleterious fish from the waters of the state under the direction and supervision or by the written consent of the commissioners, or either of them, the propagation or distribution of fish by state or public authority, and the transportation and possession of fish fry therefrom, the operation of private hatcheries confined entirely to the premises of the owners, and the transportation or possession of fish therefrom for purposes of propagation are not affected or prohibited by this chapter.

§ 120. **Penalties.**—An attempt to violate the provisions of this article shall be deemed a violation thereof. Violation of any of the provisions of this article is a misdemeanor, and in addition the violator of sections one hundred and three, one hundred and four, one hundred and five, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten, one hundred and twelve, one hundred and thirteen, one hundred and fourteen, one hundred and fifteen and one hundred and eighteen is liable to a penalty of twenty-five dollars for each violation and ten dollars for each fish so caught; the violator of sections one hundred, one hundred and one and one hundred and two, to a penalty of one hundred dollars for each violation, and the violator of sections one hundred and six and one hundred and eleven to a penalty of ten dollars for each violation.

ARTICLE VI.

MISCELLANEOUS AND LOCAL PROVISIONS.

SECTION 130. Certain fish not to be placed in the waters of the Adirondacks.

131. St. Lawrence river, Niagara river and Lake Champlain, fishing by certain devices prohibited.

132. Lake Ontario, Lake Erie, Niagara river and Lake Champlain fishing by certain devices prohibited.

133. Exception as to Lake Ontario, Lake Erie and the Hudson and Niagara rivers.

134. Meshes of nets in Lakes Erie and Ontario.

135. Nets prohibited in Hudson river above Troy dam and in Long Island Sound at west end.

136. Taking shad and herring in Hudson and Delaware rivers and Round-out creek regulated.

137. Salmon taken in nets from the Hudson river to be thrown back.

138. Richmond county, regulation as to nets.

139. Nets not to be used in the Harlem river.

140. Exceptions as to St. Lawrence county and Lake Champlain and Warren county

- SECTION 141. Certain fish may be caught through the ice in lakes named,
 142. Oncida river.
 143. Black and Oswego bass, certain localities, close season.
 141. New York city.
 145. Taking minnows for bait by nets, when allowed.
 146. Size of meshes in Conoy Island creek regulated.
 147. Wall-eyed pike, yellow bass, and pike in Susquehanna.
 148. Penalties.

§ 130. **Certain fish not to be placed in the waters of the Adirondacks.**—No fish, fish fry, spawn or milt, except speckled trout, brook trout, brown trout, salmon trout, rainbow trout, Adirondack frost fish or land-locked salmon shall be placed in the waters of the Adirondack region unless the fish so placed are non-preying or non-destructive fish, such as usually constitute food for the species above named, except under the immediate supervision and in pursuance of a resolution of the board of commissioners of fisheries.

§ 131. **St. Lawrence river, Niagara river and Lake Champlain, fishing by certain devices prohibited.**—No fish shall be fished for, caught or killed in any manner, or by any device except angling, in the waters of the St. Lawrence river, Niagara river or Lake Champlain, in this state, nor shall fish taken contrary to the provisions of this section be knowingly possessed.

§ 132. **Lake Ontario, Lake Erie, Niagara river and Lake Champlain, fishing by certain devices prohibited.**—No fish shall be fished for, caught or killed in any manner or by any device except angling in the waters of Lake Erie, within one-half mile of the shores thereof nor of any of the islands therein, or in the Cattaraugus creek or within five miles of the mouth thereof; nor in Lake Ontario, within one mile of the shore nor of any islands therein, (the waters of Lake Ontario in the county of Jefferson, included between Blue Rock point, in the town of Brownville, and the town line between the towns of Lyme and Cape Vincent, including Chaumont bay, Griffin bay and Three Mile bay, are hereby exempt from the provisions of this act, but sections one hundred and ten, one hundred and eleven and one hundred and sixty-eight of this act shall apply to said waters.) Nor shall fish taken contrary to the provisions of this section be knowingly possessed.

§ 133. **Exception as to Lake Ontario, Lake Erie and the Hudson and Niagara rivers.**—The provisions of section one hundred and four against fishing through the ice, do not apply to Lake Ontario, Lake Erie, Otsego lake, Rondout creek, below Honk falls, the Hudson and Niagara rivers.

§ 134. **Meshes of nets in Lakes Erie and Ontario.**—The meshes of nets used in Lakes Erie and Ontario, shall not be less than one and one-eighth-inch bar.

§ 135. **Nets prohibited in Hudson river above Troy dam, and in Long Island Sound at west end.**—No fish shall be fished for, caught or killed in any manner nor by any device except angling, in Rondout creek above Honk Falls, nor in the Hudson river above the dam at Troy, save as provided by section one hundred and thirty-six, nor shall purse nets be used in the waters of Long Island Sound west of a line drawn from the southern point of Fox island, in the county of Westchester, to Matinicoek point in the county of Queens. Fish taken contrary to the provisions of this section shall not be knowingly possessed.

§ 136. **Taking shad, herring and other fish in the Hudson and Delaware rivers and Rondout creek regulated.**—Shad and

herring shall not be taken from Rondout creek or the Hudson or Delaware rivers between the fifteenth day of June and the fifteenth day of March following, nor shall nets for shad be permitted to remain in said waters from sunset on Saturday until sunrise on the following Monday, at any time. Between the fourteenth day of March and the fifteenth day of June shad and herring may be taken from said waters by nets. And between the first day of September and the thirtieth of May following, bull-heads, catfish, sunfish, suckers, eels, pickerel, sturgeon, white and yellow perch may be caught by means of hoop nets, fykes and gill nets in the Hudson river and Rondout creek, below Hook falls. Nets shall not be set or used north of the dam at Troy.

§ 137. **Salmon taken in nets from the Hudson river to be thrown back.**—Salmon, black bass, trout, salmon trout, and pike perch, caught in nets, in fishing for other fish in the Hudson river, shall be thrown back into the water without unnecessary injury.

§ 138. **Richmond county, regulation as to nets.**—No device except angling shall be placed, drawn or used for the capture of any fish, except menhaden, in the waters of Raritan bay, nor in any waters adjacent thereto in Richmond county.

§ 139. **Nets not to be used in the Harlem river.**—Nets, set-nets, pound or fykes shall not be used in Harlem river or East river or the adjacent waters or confluent brooks within five miles from Middlegate or between said Middlegate and Fort Schuyler. This section shall not apply to nets used for catching lobsters or crabs in Harlem, North or East rivers.

§ 140. **Exceptions as to St. Lawrence county and Lake Champlain in Essex county and Warren county.**—Bullheads, eels, suckers, cat-fish and pickerel may be caught with spear, except during March, April and May and pike in Lake Champlain in Essex county. It shall be lawful at any time to fish for suckers, bullheads and pickerel with nets and fykes, to shoot and spear such fish through ice and to catch the same in any of the streams, ponds or lakes in Warren county, excepting in Schroon lake and Long pond or Glen lake, and Lake George as to the use of nets, fykes and the catching of bullheads. It shall be lawful to fish for bullheads with fyke nets in Seneca river in Cayuga, Wayne and Seneca counties, but not in any part of said river within fifty rods of the mouth of the Clyde river. No fish of any kind, except suckers and bill fish or garpikes, shall be caught in Black lake in Saint Lawrence county, or in the waters tributary to said lake, or in the Oswegatchie river from the boundaries of the city of Ogdensburg to the village of Heuvelton, between the fifteenth day of November and the first day of May. No transportation company in Saint Lawrence or Jefferson counties shall transport any fish caught contrary to the provisions of this section, and when fish, at any time, are offered such company for transportation, they may, at their option refuse to accept the same until satisfactory proof is furnished that they were not caught in violation of law.

§ 141. **Certain fish may be caught through the ice in lakes named.**—Bullheads, catfish, eels, suckers, perch, pickerel and sunfish may be caught by hook and line through the ice in Lakes Champlain, Seneca, Cayuga, Keuka, Canandaigua, Skaneateles, Oneida and Owaseo lakes; also in any of the waters of Chenango, Delaware or Madison counties, Fair Haven bay and pond in Cayuga county; also all waters in Wayne county and in Seneca river. This section shall apply to catching bullheads in Chautauqua lake.

§ 142. **Oneida river.**—Eel weirs of which the lath are not less than one-half inch apart may be maintained in the Oneida and Oswego rivers and in the Susquehanna river in the town of Owego, Tioga county, provided that there be a clear passage way at low water mark, for boats and fish, of not less than ten feet.

§ 143. **Black and Oswego bass certain localities, close season.**—Black and Oswego bass shall not be fished for, caught or killed in Lake George between the first day of January and the first day of August; in Black lake, Saint Lawrence county, between the first day of January and the fifth day of May or possessed on said waters or the shores thereof during such close season.

§ 144. **New York city.**—Nothing contained in this chapter shall affect the provisions of chapter four hundred and ten, laws of eighteen hundred and eighty-two, known as the consolidation act.

§ 145. **Taking minnows for bait by nets, when allowed.**—The provisions of this chapter prohibiting the use of nets and unlawful devices in the inland fresh waters of the state, shall not apply to the taking of minnows for bait in ponds, lakes and rivers, but nets used for that purpose must not exceed forty feet in length and shall not be used in waters inhabited by trout.

§ 146. **Size of meshes in Coney Island creek regulated.**—The meshes of nets used in Coney Island creek to the mouth thereof, extending out into Gravesend bay one-half mile each way, shall not be less than four inches square, except that for eel and flounder fishing hoop-nets with suitable meshes may be used within said bay between the fourteenth day of October and the first day of April.

§ 147. **Wall-eyed pike, yellow bass and pike in Susquehanna.**—Neither pike, wall-eyed pike or yellow bass shall be caught or fished for in the Susquehanna river or its tributaries between the first day of November and the thirtieth day of May.

§ 148. **Penalties.**—An attempt to violate the provisions of this article shall be deemed a violation thereof. A violation of any of its provisions shall be a misdemeanor and in addition the violators of sections one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six and one hundred and thirty-eight and one hundred and forty, is liable to a penalty of one hundred dollars for each violation; the violator of section one hundred and thirty, to a penalty of five hundred dollars for each violation; the violator of sections one hundred and thirty-seven, one hundred and forty-four, one hundred and forty-six and one hundred and fifty to a penalty of twenty-five dollars for each violation and ten dollars for each fish so caught; the violator of section one hundred and forty-seven, to a penalty of fifty dollars for each violation.

ARTICLE VII.

SPECIAL PROVISIONS AS TO KINGS, QUEENS AND SUFFOLK COUNTIES AND LONG ISLAND SOUND.

SECTION 160. Article to apply to Kings Queens and Suffolk counties and Long Island Sound only.

161. Close season for wild fowl
162. Exception as to wild fowl.
163. Plover and other birds, close season.
164. Woodcock and grouse, close season.
165. Robbins island.
166. Trout, close season.
167. Salmon trout and land-locked salmon, close season.

- SECTION 168. Black bass, close season
 169. Hares and rabbits.
 170. Deer.
 171. Black and gray squirrels.
 172. Jamaica bay.
 173. Supervisors of Suffolk, powers conferred.
 174. Penalties.

§ 160. **Article to apply to Kings, Queens and Suffolk counties and Long Island Sound only.**— This article applies exclusively to the counties of Kings, Queens and Suffolk and Long Island Sound.

§ 161. **Close season for wild fowl.**— Web-footed wild fowl, except wild geese and brant, shall not be shot at, hunted, killed or possessed between the first day of May and the first day of October, nor shall the same be pursued, shot at hunted or killed between sunset and daylight.

§ 162. **Exception as to wild fowl.**— Floating devices may be used for the purpose of shooting web-footed wild fowl therefrom in Long Island Sound, Great South Bay west of Smith's point, Shinnecock and Peconic bays and in any part of said counties said birds may be pursued and killed from boats propelled by hand, and from any sail boats in Long Island Sound, Gardiner and Peconic bays.

§ 163. **Plover and other birds, close season.**— Plover, Wilson's commonly known as English snipe, rail, sand-piper, mud-hen, gallinule, grebe, bittern, surf-bird, snipe, curlew, water-chicken, bay-snipe or shore-birds, of any kind, shall not be shot at, hunted, killed or possessed between the first day of January and the first day of July.

§ 164. **Woodcock and grouse, close season.**— Woodcock, ruffed-grouse commonly known as partridge, or any member of the grouse family shall not be hunted, shot at or killed between the first day of January and the first day of November, nor possessed or sold between the first day of February and the first day of November, and possession thereof between the first day of January and the first day of February, is forbidden and shall be deemed a violation of this section, unless it be proved by the possessor or seller that said birds were killed within the lawful period for killing the same, or out of the state.

§ 165. **Robbins island.**— Quail may be shot upon Robbins island so long as it remains the property of the Robbins Island Club, between the fourteenth day of October and the first day of February following.

§ 166. **Trout, close season.**— Trout shall not be fished for, caught, killed sold or possessed between the first day of September and the first day of April following.

§ 167. **Salmon trout and land-locked salmon, close season.**— Salmon trout and land-locked salmon, shall not be fished for, caught, killed, sold or possessed between the first day of October and the first day of April following, except as otherwise provided by section one hundred and sixteen.

§ 168. **Black bass, close season.**— Black bass shall not be fished for, caught, killed or possessed between the first day of January and the thirtieth day of May.

§ 169. **Hares and rabbits.**— Hares and rabbits shall not be shot at, hunted, killed or possessed between the first day of January and the first day of November.

§ 170. **Deer.**— Deer shall not be shot at, hunted with dogs or otherwise or killed, except from the tenth to the sixteenth day of November inclusive.

§ 171. **Black and gray squirrels.**—Black and gray squirrels shall not be hunted, shot at, killed or possessed between the first day of January and the first day of November.

§ 172. **Jamaica bay.**—Fish shall not be fished for, caught or killed by any device except angling, which shall be lawful on any day of the year between the first day of April and the first day of December in the waters of Jamaica bay or the inlet thereof. No striped bass, sea bass or black-fish under six inches in length shall be taken in said waters; if any are taken, the same shall be returned to the water without unnecessary injury. The inlet of Jamaica bay shall not be willfully obstructed by any net or device so as to prevent the passage of fish therein at any time. This section does not prevent the catching of eels by the use of spear or eel weir, or the capture of fish for bait or shrimp by means of hand or cast-nets.

§ 173. **Supervisors of Suffolk, powers conferred.**—The board of supervisors of Suffolk county shall, in addition to the powers herein conferred, upon boards of supervisors, have power to pass rules, regulations, laws and ordinances, permitting, regulating, controlling or prohibiting the taking of shell-fish from beds of oysters of natural growth in the salt waters of said county.

§ 174. **Penalties.**—An attempt to violate the provisions of this article shall be deemed a violation thereof. Violation of any of the provisions of this article is a misdemeanor and in addition the violator of section one hundred and seventy is liable to a penalty of one hundred dollars for each violation. The violator of sections one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and seventy-two to a penalty of twenty-five dollars for each violation and ten dollars for each fish so caught. The violator of sections one hundred and sixty-one, one hundred and sixty-three, one hundred and sixty-four, one hundred and sixty-nine and one hundred and seventy-one to a penalty of twenty-five dollars for each bird or animal killed, trapped or possessed contrary to their provision.

ARTICLE VIII.

SHELL-FISH.

- SECTION 180. State oyster protector.
 181. Salary and traveling expenses.
 182. Assistant to protector.
 183. Salaries how paid.
 184. Polluting waters.
 185. Garbage, et cetera, not to be thrown into Long Island Sound.
 186. Close season in Hudson river.
 187. Taking oysters from Hudson river for replanting.
 188. Close season in Harlem river.
 189. Oyster beds not to be interfered with.
 190. Non-residents not to gather shell-fish.
 191. Dredging by steam forbidden, dredging regulated.
 192. Sale of lobsters under certain size prohibited.
 193. Oysters, how sold in shell.
 194. Taking clams and oysters about Staten Island regulated.
 195. Taking clams and oysters in South bay regulated.
 196. Penalties.

§ 180. **State oyster inspector.**—The commissioners are authorized to appoint a state oyster protector whose duty it shall be to patrol under the direction of the commissioners the oyster regions of the state for the purpose of enforcing the provisions of this act and guarding the oyster property thereof, who shall have the same powers and

duties with reference to oysters as is given by law to game protectors for the protection of game and fish.

§ 181. **Salary and traveling expenses.**—Salary of such protector shall be one thousand dollars per annum, and he shall be allowed in addition, his actual traveling and incidental expenses, not exceeding two dollars per day.

§ 182. **Assistant to protector.**—The commissioners in their discretion may allow such protector an assistant, who shall be paid at the rate of two dollars and fifty cents per day for the time of actual service.

§ 183. **Salaries, how paid.**—The protector and his assistant shall be paid their salaries and expenses in the same manner as game protectors are paid.

§ 184. **Polluting waters.**—Sludge acid and other refuse from any oil works, or sugar-houses, or from buildings connected with either of the same, or any substance injurious to oyster culture shall not be placed or allowed to run into any waters within the jurisdiction of the state. This section shall not apply to refuse arising from the manufacture of oil from menhaden or other oil-bearing fish.

§ 185. **Garbage, et cetera, not to be thrown into Long Island Sound.**—No garbage, cinders, ashes or refuse of any kind shall be thrown from any vessel into the waters of Long Island Sound, or into the bays and harbors opening into the same, west of a line drawn from Old Field Point due north to the boundary line between New York and Connecticut and not within two miles of the shore, and no star fish shall be thrown into any waters of the state.

§ 186. **Close season in Hudson river.**—Oysters shall not be taken from the Hudson river, north of the county of New York, between the first day of May and the first day of September.

§ 187. **Taking oysters from Hudson river for replanting.**—Oysters shall not be taken from the Hudson river, north of the county of New York, at any time for the purpose of conveying them to another state to have them replanted.

§ 188. **Close season in Harlem river.**—Oysters shall not be taken from the Harlem river between the first day of June and the first day of September.

§ 189. **Oyster beds not to be interfered with.**—No person shall in any wise interfere with or disturb the oysters of another lawfully planted in any of the waters of the state, or remove any stakes or buoys or any boundary marks of planted beds.

§ 190. **Non-residents not to gather shell-fish.**—Only persons who have been actual residents of this state for six months shall be entitled to gather shell-fish from the waters of this state, except when such non-resident is employed for that purpose by a person authorized to gather the same.

§ 191. **Dredging by steam forbidden, dredging regulated.**—No dredge operated by steam power, or weighing over fifty pounds, shall be used on beds of natural growth in dredging for shell-fish.

§ 192. **Sale of lobsters under certain size prohibited.**—Lobsters less than nine inches in length, measured from one extremity to the other, exclusive of claws or feelers, shall not be caught, sold or possessed.

§ 193. **Oysters, how sold in shell.**—Oysters in the shell may be sold either by count or measure; if not sold by count they shall be sold in a stave measure, which shall be uniform in shape and of the following dimensions: The bottom to be sixteen and one-half inches across from inside to inside, and the top to be eighteen inches across from inside to inside, and twenty-one inches diagonally from inside

chime to top; such measure shall be even or struck measure, to be inspected and sealed by the sealer of weights and measures in the county where used. This provision shall not affect the shipment of oysters in barrels to foreign countries. Oyster measures sealed by the county sealer may be used in any county of the state.

§ 194. **Taking clams and oysters about Staten Island regulated.**— Oysters or clams, whether of natural growth or planted, shall not be dug up, caught or removed between half an hour after sunset, and half an hour before sunrise, from the waters on the south side of Staten Island, lying between a line extending due south from the point known as the Point of the Beach at Great Kills, and a line extending due southwest from Ward's point, in the town of Westfield.

§ 195. **Taking oysters in South bay, regulated.**— Oysters, spawn, seed oysters or shells, shall not be dug up, caught or removed from any of the waters of South bay, in the county of Suffolk, between the first day of June and the first day of September, nor between sunset and sunrise at any time. Any oyster shells caught or taken from the public waters of said bay, in said county, shall be returned to the water in the locality where taken within ten minutes after being so taken. No blade or scraper-tongs shall be used or possessed on the waters of said bay in said county for the purpose of catching such shell fish, and possession of a blade or scraper-tongs on said waters is a violation of this provision. This section is subject to the provisions of section one hundred and seventy-three.

§ 196. **Penalties.**— An attempt to violate any of the provisions of this article, shall be deemed a violation thereof. A violation of the provisions of this article, is a misdemeanor, and in addition, the violator of sections one hundred and eighty-four, one hundred and eighty-five, one hundred and eighty-nine, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-four, one hundred and ninety-five, is liable to a penalty of one hundred dollars for each violation; the violator of sections one hundred and eighty-six, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and ninety-two and one hundred and ninety-three, to a penalty of twenty-five dollars for each violation.

ARTICLE IX.

PRIVATE GROUNDS AND PARKS.

SECTION 210. Trespassing on private grounds forbidden.

211. Notices to be posted on private grounds.

212. Laying out grounds for private parks.

213. Notices to be posted in private parks.

214. Notice when territory is fenced.

215. Fish or game so protected not to be interfered with.

216. Signs not to be defaced.

217. Penalties.

§ 210. **Trespassing on private grounds forbidden.**— No person shall trespass upon inclosed or cultivated lands for the purpose of shooting or hunting any game, or taking any fish from private ponds or streams, after public notice has been given by the owner or person entitled to the exclusive right to shoot or fish thereon, as provided in this article; being on such lands with gun or fishing tackle or apparatus, or allowing hunting dogs thereon shall be deemed a violation of this section.

§ 211. **Notices to be posted on private grounds.**— The notice provided for in the last section shall be given by maintaining sign-

boards at least one foot square upon at least every fifty acres of the premises sought to be protected upon or near the lot lines thereof, or upon or near the shores of any waters thereon, in at least two conspicuous places, or by personal service of a notice containing a brief description of the premises and name of the owner or of the person having the exclusive right to shoot, hunt or fish thereon, and prohibiting the same.

§ 212. **Laying out grounds for private parks.**—A person owning or having the exclusive right to shoot, hunt or fish on lands, or lands and water, desiring to devote such lands, or lands and water, to the propagation or protection of fish, birds or game may publish in a paper printed in the county within which such lands, or lands and water, are situate, a notice substantially describing the same and containing a clause, declaring that such lands or lands and water will be used as a private park for the purpose of propagating and protecting fish, birds and game.

§ 213. **Notices to be posted in private parks.**—There shall be posted and maintained upon such private territory notices or sign-boards not less than one foot square, warning all persons against trespassing thereon. Such notice or sign-boards shall be placed not more than forty rods apart, along the entire boundary of such private territory, when the same shall consist entirely of land, or when it shall consist of both land and water, they shall be placed so that there shall be at least one notice or sign-board for every one hundred acres thereof. When the private property consists of a lake, pond or stream only such notices shall be placed in at least four conspicuous places on or near the shore of such lake or pond, and one of such notices shall be placed on every half mile of such stream in a conspicuous place on the bank thereof.

§ 214. **Notice when territory is fenced.**—When such territory or any part thereof is fenced, notices or sign-boards shall be placed on or near such fences not more than one-half mile apart.

§ 215. **Fish or game so protected not to be interfered with.**—Upon compliance with the foregoing provisions for preventing trespassing or for devoting lands to propagation of fish, birds and game, no person shall disturb or interfere in any way with the fish or wild birds or wild animals while on the premises so protected, except with the consent of the owner or person having the exclusive right to shoot, hunt or fish thereon.

§ 216. **Signs not to be defaced.**—Signs placed pursuant to the foregoing provisions shall not be defaced or removed under penalty of twenty-five dollars.

§ 217. **Penalties.**—Violations of the provisions of this article subject the person violating to exemplary damages in an amount not more than twenty-five dollars for each violation, in addition to the actual damages sustained by the owner or lessee. An attempt to violate the provisions of this article shall be deemed a violation thereof.

ARTICLE X.

PROSECUTIONS.

- SECTION 230. Actions, how entitled.
 231. Authority to bring actions.
 232. Actions, where brought.
 233. Discontinuance.
 234. Two or more penalties in one action.
 235. Witness fees and disbursements in actions by people.

- SECTION 236. Actions by persons or societies.
 237. Judgments recovered under this act, how collected.
 238. Costs and recovery, how disposed of in actions by people.
 239. Recovery, how disposed of in action by individual.
 240. One-half of recovery to go to protector.
 241. Expenses of actions by people, how paid.
 242. Report of commissioners to legislature.
 243. Arrest of offenders by protector and trial thereof.
 244. Jurisdiction of the courts.
 245. Punishment for misdemeanor.
 246. Issue of warrants of arrest.
 247. Search warrant, when issued.
 248. Witnesses.

§ 230. **Actions how entitled.**—All penalties imposed by this chapter may be sued for and recovered in the name of “the people of the state of New York.”

§ 231. **Authority to bring action.**—Actions for penalties, and as provided in section two hundred and thirty, shall be brought in the name of the people on order of the chief protector or by direction of either the commissioners, who are hereby authorized, in their discretion, to employ special counsel to commence and maintain such actions, and the compensation of such special counsel may be fixed and allowed by the commissioners.

§ 232. **Action, where brought.**—Actions for penalties imposed by this act may be brought in any county where the penalty shall be incurred, or in the county where defendant resides, subject only to the right to remove the same to any other county adjoining that in which the penalty shall be incurred, or in which the action shall have been brought as aforesaid, for cause shown as provided by the Code of Procedure.

§ 233. **Discontinuance.**—Actions for penalties in the name of the people may be discontinued by order of the court upon the application of the chief protector at any time before trial, upon such terms as the court may direct.

§ 234. **Two or more penalties in one action.**—Two or more penalties may be sued for and recovered in the same action, whether brought by the people or in the name of an individual or society.

§ 235. **Witness fees and disbursements in actions by people.**—Witness and other fees and disbursements and full costs shall be recovered in any judgment in favor of the people under this act, at the rate fixed by section thirty-two hundred and fifty-one of the Code of Procedure, without reference to the amount of recovery.

§ 236. **Actions by persons or societies.**—Any individual, upon giving security for costs, unless he shall be the owner or lessee of the premises upon which it shall be claimed the penalty was incurred; and any society or corporation or agent of any society or association for the protection of fish or game may recover in his or its name all penalties provided for by this act with costs, but on recovery by the plaintiff in such case of a less sum than fifty dollars, plaintiff shall only be entitled to costs to the amount of such recovery. Such person shall be entitled to one-half of the penalty recovered, the other half to be paid to the board of commissioners but any such action shall be discontinued without costs or disbursements to either party, in case an action shall be thereafter brought for the same violation in the name of the people, and an order to that effect may be entered on motion of the chief protector or one of the commissioners, on notice to all the parties thereto. Such motion shall be entitled and made in both actions.

Any person or society bringing an action under this section shall notify the chief protector thereof, within fifteen days after service of the summons therein, and failure so to do shall be a defense to the action.

§ 237. **Judgments recovered under this act, how collected.**—All judgments recovered under the provisions of this act may be enforced by execution against the person; any person in prison upon such execution shall be so imprisoned for a period of not less than one day, and at the rate of one day for every dollar of such judgment when the same exceeds one dollar; no one shall be more than once imprisoned, nor for a longer period than six months upon any judgment; such imprisonment shall not be a satisfaction of such judgment.

§ 238. **Costs and recovery, how disposed of in action by people.**—The recovery and costs in all actions heretofore brought and remaining undetermined or hereafter to be brought under the direction of the chief protector or a commissioner in the name of the people, shall be paid to the board of commissioners, and such moneys shall be by it disbursed as hereinafter provided.

§ 239. **Recovery, how disposed of in actions by individuals.**—One-half of the recovery in all actions heretofore brought or hereafter to be brought by an individual or society in his or its name shall be paid to the board of commissioners to be by it disposed of in the same manner as other moneys received by it, and it shall be the duty of the person in whose hands such moneys shall come to pay over the same, and in case of failure so to do such moneys may be recovered from the person receiving the same in an action brought in the name of the people under the direction of the chief protector or the commissioners.

§ 240. **One-half of recovery to go to protector.**—There shall be paid out of the funds received by the board of commissioners one-half of the fines and penalties collected in an action by the people, to the protector or special protector upon whose information the action was brought; such moneys shall be paid on the certificate of the chief protector that such protector is entitled thereto; such certificate shall be final.

§ 241. **Expenses of actions by people, how paid.**—The remaining money received by the board of commissioners shall be applied to the payment of the expenses of actions for violation of this act on the certificate of the chief protector.

§ 242. **Report of commissioners to legislature.**—The board of commissioners shall include in their annual report to the legislature a detailed report of their receipts and disbursements under this article.

§ 243. **Arrests of offenders by protectors and trial thereof.**—Any protector or peace officer may, without warrant, arrest any person committing a misdemeanor under the provisions of this chapter, in his presence, and take such person immediately before a justice of the peace or police justice, or other magistrate, having jurisdiction, who shall, after giving defendant reasonable time to prepare for trial, proceed without delay to hear, try and determine the matter, and give and enforce judgment according to the allegations and proofs.

§ 244. **Jurisdiction of the courts.**—Courts of special sessions in towns and villages, and the several courts in cities having jurisdiction to try misdemeanors, as provided by section fifty-six of the Code of Criminal Procedure, shall have jurisdiction to try offenders in all cases occurring under this chapter, in the same manner as in other cases where they now have jurisdiction, and to render and enforce judgment to the extent herein provided.

§ 245. **Punishment for misdemeanor.**—Any person convicted

of a misdemeanor under the provisions of this chapter shall be punished by a fine of not less than ten dollars, nor more than at the rate of one dollar for every dollar of the penalty provided for the violation of the section under which he is convicted, or be imprisoned in the county jail or penitentiary for a period of not less than one day nor more than at the rate of one day for every dollar of such fine or by both such fine and imprisonment.

§ 246. **Issue of warrants of arrest.**—Any justice of the peace, police justice, county judge, judge of any city court, or magistrate having criminal jurisdiction, on sufficient proof by affidavit that any of the provisions of this chapter have been violated by any person temporarily within his jurisdiction but not residing there permanently, or by any person whose name and residence are unknown, shall issue his warrant for the arrest of such offender and cause him to be committed or held to bail to answer the charge against him.

§ 247. **Search warrant, when issued.**—Any justice of the peace, police justice, county judge, judge of any city court, or magistrate having criminal jurisdiction, upon receiving proof of probable cause for believing in the concealment of any game or fish taken or possessed contrary to the provisions of this chapter, shall issue his search warrant and cause a search to be made in any place and to that end may cause any building or inclosure to be entered and may cause any apartment, chest, box, locker, crate, basket or package to be broken open and the contents examined.

§ 248. **Witnesses.**—No person shall be excused from giving evidence in any civil, or criminal action, prosecution, or proceeding, under or authorized by this act, on the ground that the evidence might tend to convict such witness of a crime, or misdemeanor, or to establish the liability of such witness under any of the provisions thereof; but such evidence shall not be received against such witness in any civil or criminal action, prosecution, or proceeding.

ARTICLE XI.

FISHWAYS.

SECTION 260. Commissioners to be notified of construction of dam

261. Authority of commissioners to direct fishways.

262. Owner to comply with direction of commissioners.

263. Commissioners to recover for construction and penalty

§ 260. **Commissioners to be notified of construction of dam.**—No dam shall be constructed upon any stream more than six miles in length inhabited by fish protected by this chapter, until the person about to construct the same shall give written notice to the commissioners of such intention, together with a statement of the name, length and location of said stream, and the size and general description of such dam, and the purposes for which it is to be erected, together with a diagram thereof.

§ 261. **Authority of commissioners to direct fishways.**—The commissioners are authorized in such cases to direct the construction of suitable fishways by an entry on their minutes and service of a copy of such order on the person constructing such dam, and the person so constructing shall at his own expense comply with such directions, subject, on application on notice as on a motion, to the right of the supreme court to affirm, reverse, modify or alter such direction.

§ 262. **Owner to comply with direction of commissioners.**—Such fishways shall be properly maintained by the owner or person in

possession of such dam, and shall be subject to examination and inspection on behalf of commissioners, who may direct such repairs and alterations as they may deem necessary, subject to the order of the supreme court as in case of construction.

§ 263. **Commissioners to recover for construction, and penalty.**—In case of failure, refusal or neglect on the part of any person to comply with the directions of the commissioners as to building and repairing fishways, the commissioners may cause such fishways to be constructed or repaired, and the expense thereof may be recovered by the commissioners in an action against the owner or person in possession, or both, in the name of the people and shall, in addition to the personal liability of such owner or person in possession, be a lien upon the premises upon which such dam is situated. The person refusing or neglecting to comply with such directions of the commissioners as to construction or repairs shall also be liable to a penalty of ten dollars for each day during which they neglect to obey such directions, which penalty may be recovered in like manner in the same or a separate action.

ARTICLE XII.

LAWS REPEALED, DEFINITIONS AND OTHER PROVISIONS.

- SECTION 270. Amendments to the game law.
 271. Definitions.
 272. Ordinances and regulations of boards of supervisors repealed.
 273. Powers of boards of supervisors.
 274. Additional powers of boards of supervisors.
 275. Saving clause.
 276. Construction.
 277. Laws repealed.
 278. The clerk of the assembly shall print and distribute copies of this act.
 279. When chapter to take effect.

§ 270. **Amendments to the game law.**—All amendments to the game law shall be made a part of this chapter, and additions to the game law shall be numbered as sections thereof.

§ 271. **Definitions.**—Words and phrases under this chapter, and in proceedings pursuant thereto, shall, unless inconsistent with the contents mean or intend as follows :

1. "Person" shall include persons, copartnerships, joint-stock companies and corporations, and when used with reference to commission of acts which are herein forbidden, shall include persons particeps criminis in the acts and the officers, agents and directors or trustees and similar controlling body of corporations.

2. Words importing masculine gender may apply to copartnerships females, joint-stock companies and corporations.

3. Words importing the plural number may import the singular number.

4. Words importing the singular number may extend to and be applied to several persons or things.

5. "Angling" is defined to mean taking fish with hook and line or rod held in hand, and does not include set lines.

6. "Exclusive right to shoot, hunt or fish" is defined to mean the right of any person owning or having the right to the possession of the premises, or of any person leasing or reserving the exclusive right to shoot, hunt or fish thereon from the owner.

7. Where an act is prohibited between certain dates, it is not lawful upon the date first named and is lawful upon the date last named.

8. "Commission," "commissioners" or "board of commissioners" as used in this chapter shall be construed to mean the commissioners of fisheries.

9. "Article," when standing alone in this chapter, shall be construed to refer to one of the articles hereof.

10. "Close season" is that period of time during which an act is prohibited.

§ 272. **Ordinances and regulations of boards of supervisors repealed.**—All laws or ordinances heretofore passed by any board of supervisors of any county in this state, relating to birds, fish, shell fish and wild animals are hereby repealed, except the laws passed by the supervisors of the county of Suffolk in respect to salt water fishing and in respect to shell fish, and boards of supervisors, except as provided by sections one hundred and seventy-three and two hundred and seventy-three, shall hereafter have no power or authority to pass any regulation or ordinance relating to birds, fish, shell fish or game contrary to the provisions of this chapter.

§ 273. **Powers of boards of supervisors.**—Boards of supervisors may pass at their annual session such laws and ordinances as shall afford additional protection to and further restrictions for the protection of birds, fish, shell fish and wild animals, except wild deer, and to prohibit the taking and killing of the same, but no such ordinance shall be operative until a duly authenticated copy thereof shall have been filed in the office of the clerk of the county, and published in the papers in such county in which the session laws are published, and filed in the office of the secretary of state, and it shall be the duty of the secretary of state to furnish a copy of such ordinance to the chief game protector, and to print all such ordinances in the volume of session laws for the current years. No such ordinance shall take effect until the first day of May next after its passage.

§ 274. **Additional powers of boards of supervisors.**—The board of supervisors of any county may raise by tax any sum not exceeding one thousand dollars in any year, to aid in the enforcement of the provisions of this chapter.

§ 275. **Saving clause.**—The repeal of a law or any part of it specified in the annexed schedule or the repeal of any ordinance or regulation specified in section two hundred and seventy-two of this chapter shall not affect nor impair any act done, or right accruing, accrued or acquired, or liability, penalty forfeiture or punishment incurred prior to the time when this chapter takes effect, under or by virtue of any law so repealed, but an action may be commenced therefor and the same may be asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such law had not been repealed, and all actions and proceedings, civil or criminal, commenced under or by virtue of the laws so repealed and pending when this act takes effect, or commenced after this act takes effect, may be prosecuted and defended to final effect in the same manner as they might under the laws then existing, unless it shall be otherwise specially provided by law.

§ 276. **Construction.**—The provisions of this chapter, so far as they are substantially the same as those of laws existing when this act took effect, shall be construed as a continuation of such laws, modified or amended according to the language employed in this chapter and not as new enactments, and references in laws not repealed to provisions of laws incorporated into this chapter and repealed, shall be construed as applying to the provisions so incorporated, and nothing in

this chapter shall be construed to amend or repeal any provision of the Criminal or Penal Code.

§ 277. **Laws repealed.**— Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed. Such repeal shall not revive a law repealed by any hereby repealed, but shall include all laws amendatory of the laws hereby repealed.

§ 278. The clerk of the assembly shall cause to be printed and distributed twenty-five copies of this act to each of the following persons: Each senator and member of assembly, each game protector and each of the town clerks of the several towns of this state.

§ 279. **When to take effect.**— This chapter shall take effect immediately.

SCHEDULE OF LAWS REPEALED.

LAWS OF	Chapter	Section
1851.....	478.....	All.
1853.....	506.....	All.
1855.....	488.....	All.
1857.....	627.....	All.
1858.....	13.....	All.
1858.....	38.....	All.
1858.....	89.....	All.
1858.....	163.....	All.
1859.....	89.....	All.
1859.....	229.....	All.
1859.....	285.....	All.
1859.....	464.....	All.
1859.....	469.....	All.
1860.....	186.....	All.
1860.....	196.....	All.
1860.....	199.....	All.
1860.....	223.....	All.
1860.....	228.....	All.
1860.....	302.....	All.
1860.....	332.....	All.
1860.....	384.....	All.
1861.....	146.....	All.
1861.....	173.....	All.
1861.....	214.....	All.
1862.....	107.....	All.
1862.....	335.....	All.
1862.....	474.....	All.
1863.....	462.....	All.
1864.....	288.....	All.
1864.....	426.....	All.
1865.....	518.....	All.
1865.....	642.....	All.
1866.....	112.....	All.
1866.....	464.....	All.
1866.....	753.....	All.
1866.....	813.....	All.
1867.....	292.....	All.
1867.....	541.....	All.
1867.....	683.....	All.
1867.....	827.....	All.

LAWS OF	Chapter	Section
1867.....	898.....	All.
1868.....	285.....	All.
1868.....	344.....	All.
1868.....	785.....	All.
1869.....	909.....	All.
1869.....	910.....	All.
1870.....	234.....	All.
1870.....	567.....	All.
1871.....	367.....	All.
1871.....	721.....	All.
1871.....	831.....	All.
1872.....	65.....	All.
1872.....	316.....	All.
1872.....	356.....	All.
1872.....	433.....	All.
1872.....	436.....	All.
1872.....	483.....	All.
1872.....	595.....	All.
1872.....	608.....	All.
1873.....	74.....	All.
1873.....	121.....	All.
1873.....	353.....	All.
1873.....	381.....	All.
1873.....	435.....	All.
1873.....	436.....	All.
1873.....	479.....	All.
1873.....	524.....	All.
1873.....	665.....	All.
1873.....	693.....	All.
1873.....	739.....	All.
1873.....	740.....	All.
1874.....	33.....	All.
1874.....	91.....	All.
1874.....	231.....	All.
1874.....	336.....	All.
1874.....	352.....	All.
1874.....	390.....	All.
1874.....	394.....	All.
1874.....	409.....	All.
1874.....	424.....	All.
1874.....	455.....	All.
1874.....	511.....	All.
1875.....	55.....	All.
1875.....	154.....	All.
1875.....	183.....	All.
1875.....	186.....	All.
1875.....	201.....	All.
1875.....	230.....	All.
1875.....	272.....	All.
1875.....	276.....	All.
1875.....	277.....	All.
1875.....	306.....	All.
1875.....	321.....	All.
1875.....	344.....	All.
1875.....	382.....	All.

LAWS OF	Chapter	Section
1875.....	384.....	All.
1875.....	482.....	Subd.16 of §1.
1875.....	504.....	All.
1875.....	524.....	All.
1876.....	347.....	All.
1876.....	389.....	All.
1876.....	395.....	All.
1876.....	396.....	All.
1876.....	400.....	All.
1877.....	152.....	All.
1877.....	276.....	All.
1877.....	296.....	All.
1877.....	398.....	All.
1877.....	411.....	All.
1877.....	421.....	All.
1878.....	122.....	All.
1878.....	302.....	All.
1879.....	87.....	All.
1879.....	309.....	All.
1879.....	361.....	All.
1879.....	534.....	All.
1880.....	282.....	All.
1880.....	453.....	All.
1880.....	584.....	All.
1880.....	591.....	All.
1881.....	416.....	All.
1881.....	430.....	All.
1881.....	704.....	All.
1883.....	317.....	All.
1884.....	127.....	All.
1884.....	185.....	All.
1884.....	212.....	All.
1884.....	247.....	All.
1884.....	269.....	All.
1885.....	121.....	All.
1885.....	237.....	All.
1885.....	242.....	All.
1885.....	243.....	All.
1885.....	485.....	All.
1885.....	556.....	All.
1885.....	557.....	All.
1886.....	11.....	All.
1886.....	112.....	All.
1886.....	124.....	All.
1886.....	141.....	All.
1886.....	194.....	All.
1886.....	226.....	All.
1886.....	247.....	All.
1886.....	267.....	All.
1886.....	300.....	All.
1886.....	334.....	All.
1886.....	395.....	All.
1886.....	427.....	All.
1886.....	429.....	All.
1886.....	430.....	All.

LAWS OF	Chapter	Section
1886.....	437.....	All.
1886.....	522.....	All.
1886.....	542.....	All.
1886.....	590.....	All.
1886.....	603.....	All.
1886.....	671.....	All.
1887.....	366.....	All.
1887.....	373.....	All.
1887.....	395.....	All.
1887.....	407.....	All.
1887.....	498.....	All.
1887.....	530.....	All.
1887.....	591.....	All.
1887.....	596.....	All.
1887.....	617.....	All.
1887.....	618.....	All.
1887.....	619.....	All.
1887.....	620.....	All.
1887.....	623.....	All.
1887.....	641.....	All.
1888.....	501.....	All.
1888.....	547.....	All.
1888.....	577.....	All.
1889.....	512.....	All.
1889.....	539.....	All.
1889.....	550.....	All.
1889.....	556.....	All.
1890.....	54.....	All.
1890.....	90.....	All.
1890.....	533.....	All.

CHAP. 489.

AN ACT to establish a board of county assessors in the county of Richmond.

APPROVED by the Governor May 5, 1892. Passed, three-fifths being present.

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

Board of
county
assessors.

SECTION 1. All assessments of real and personal property in the county of Richmond for the purpose of state, town, county, union or common school district, or road district taxation shall, after the year eighteen hundred and ninety-two, be made by a board of county assessors, and at the close of the said year the term of office of all town assessors in said county shall terminate, and the office of town assessor in said county shall thereupon cease to exist.

Terms of
town as-
sessors.

Board of
appoint-
ment, and
how
formed.

§ 2. It shall be the first duty of the board of supervisors of Richmond county, at the commencement of its annual meeting in the present year, and in each succeeding year, immediately after effecting such preliminary organization as may be necessary for the proper transaction of business, to notify the county judge and district attorney of Richmond county that such board is in session, and request their attendance for the purpose of constituting a board of appointment to

NORTH CAROLINA



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1868-1869 59 .

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OSCOLA 4th ed.
" 1868-1869 59 Please note: citations are provided as a general guideline. Users should consult their preferred citation format's style manual for proper citation formatting.

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authority hereby granted shall cease with the year eighteen hundred and sixty-nine.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 26th day of January, A. D. 1869.

CHAPTER XVII.

AN ACT TO TRANSFER CASES FROM THE DOCKET OF THE LATE CRIMINAL COURT IN CRAVEN COUNTY TO THE SUPERIOR COURT OF THE SAME.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Clerk of the Criminal Court in Craven County, abolished by act of General Assembly, ratified the eleventh day of August, Anno Domini, eighteen hundred and sixty-eight, be, and he is hereby authorized and directed to transfer the cases on the docket of the same at the time it was abolished to the Superior Court of Craven County, on or before the third Monday in January, Anno Domini, eighteen hundred and sixty-nine.

Clerk Criminal Court directed to transfer cases to Superior Court.

SEC. 2. This act shall take effect from and after its ratification.

Ratified the 26th day of January, A. D. 1869.

CHAPTER XVIII.

AN ACT TO PROHIBIT HUNTING ON THE SABBATH.

SECTION 1. *The General Assembly of North Carolina do enact*, That if any person or persons whomsoever shall be known to hunt in this State on the Sabbath with a

Hunting on the Sabbath prohibited.

dog or dogs, or shall be found off of their premises on the Sabbath, having with him or them a shot-gun, rifle or pistol, he or they shall be subject to indictment; and, upon conviction, shall pay a fine not to exceed fifty dollars at the discretion of the Court, two-thirds of such fine to enure to the benefit of the free public schools in the County of which such convict is a resident, the remainder to the informant.

Penalty upon failure to pay fine.

SEC. 2. That upon failure of such convict to pay the required fine, he shall be imprisoned at hard labor for not more than three months as the Court, in its judgment, shall direct: *Provided*, That this act shall not apply to any person who may violate its provision in defence of his own property.

Proviso.

SEC. 3 This act shall take effect from and after March first, eighteen hundred and sixty-nine.

Ratified the 27th day of January, A. D. 1869.

CHAPTER XIX.

AN ACT TO AUTHORIZE AND EMPOWER R. W. HARDIE, LATE SHERIFF OF CUMBERLAND COUNTY, TO COLLECT ARREARS OF TAXES FOR THE YEARS EIGHTEEN HUNDRED AND SIXTY-SIX AND EIGHTEEN HUNDRED AND SIXTY-SEVEN.

Sheriff of Cumberland empowered to collect taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That R. W. Hardie, late Sheriff of Cumberland County, be and he is hereby authorized and empowered to collect all arrears of taxes due him for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven, which collection shall be made under the same rules, regulations and restrictions as other collection of taxes by virtue of the laws of the State.

When power to cease.

SEC. 2. *Be it further enacted*, That the power and



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1871-1872 112 .

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tion of their business, and deal in all things and commodities usually bought and sold in mercantile associations of like character.

Limitation and
division of capital
stock.

SEC. 3. That the capital stock of said corporation shall not exceed fifty thousand dollars, to be divided into shares of twenty-five dollars each, and said corporation may commence business whenever one hundred shares of stock shall be subscribed for and paid in.

Officers of cor-
poration.

SEC. 4. That the officers of said corporation shall be a president, vice-president, secretary and treasurer, who shall be elected by the stockholders, and shall continue in office until their successors are chosen; the stockholders may also elect of their number, a board of directors not to exceed five in number, to whom shall be confided the management of the business of said corporation, under such restrictions and laws as the stockholders may enact; said stockholders shall make such constitution and such by-laws for the government and regulation of the corporation as they may deem fit, not inconsistent with the laws of this state or of the United States.

Management of
business to be
vested in board of
trustees.

When act to take
effect.

SEC. 5. That this act shall take effect from and after its ratification.

Ratified the 26th day of January, A. D. 1872.

CHAPTER LXXII.

AN ACT TO INCORPORATE THE HOLLYWOOD CEMETERY.

Corporate body.

SECTION 1. *The General Assembly of North Carolina do enact*, That James M. Whedbee, Reuben F. Overman, J. P. Whedbee, George D. Pool, W. H. Clark, William Shannon, and Dr. Paleman John, and their associates, for the purposes hereinafter mentioned, be and the same are hereby constituted a body politic and corporate by the name and style of

Corporate name.

the Hollywood Cemetery Company, and by that name may

sue and be sued, plead and be impleaded in all the courts of this state, contract and be contracted with, and may have a common seal, and the same at their pleasure alter or renew, and shall have power to purchase, have, hold and enjoy, to them and their successors, so much real estate as they may select for the purpose of establishing, maintaining and improving a public cemetery in or near the town of Elizabeth City, North Carolina, which is hereby declared to be the only object for which said corporation is created: *Provided*, The quantity of land shall not exceed twenty acres, and said corporation may receive gifts and bequests for the purpose of improving said cemetery, and hold such personal property as may be necessary to carry out the object of this act.

Corporate rights.

Proviso.

SEC. 2. That the real estate of said corporation and the lots when conveyed to individual purchasers shall be exempt from assessment and taxation of all kinds, and not be subjected to attachment or execution, or be applied to the payments of debts by assignments under an insolvent law.

Exemption from taxation.

SEC. 3. That every lot conveyed in said cemetery shall be held by the proprietor for the purpose of sepulture.

Right of sepulture.

SEC. 4. That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure placed in the cemetery aforesaid, or any fence, railing or other work for the protection or ornament of any tomb, monument, gravestone or other structure aforesaid, or shall wilfully destroy, cut, break, or remove any tree, shoot or plant within the limits of said cemetery, or shall shoot or discharge any gun or other firearms within the limits thereof shall be deemed guilty of a misdemeanor, and upon conviction before any justice of the peace of the county of Pasquotank, shall be fined at the discretion of the court and be moreover liable to the company for the damage done by such act.

Desecration of ground, a misdemeanor.

Penalty.

SEC. 5. That a certificate under the seal of the corporation of the ownership of any lot aforesaid shall have the same effect as a conveyance from said corporation executed, acknowledged and registered as conveyances of real estate are required to be.

Effect of certificate.



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AGLC 4th ed.
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OSCOLA 4th ed.
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accept, then in that case the mayor may apply it to any expense that may be incurred by said corporation.

SEC. 10. That it shall be the duty of the commissioners, when organized, to appoint one of their number as secretary, whose duty it shall be to keep a record of all proceedings of said commissioners; and also to appoint a treasurer, who shall enter into a bond approved by the commissioners, and it shall be their duty to require the marshal to enter into a bond payable to the State of North Carolina to the use of the town of Dillsboro, conditioned for the faithful performance of his duties, approved by the commissioners.

Secretary.

Treasurer.
Bond.
Bond of marshal.

SEC. 11. That the commissioners shall have the power to apply the taxes collected under this act, together with all fines and forfeitures and all funds arising from impounded stock, to the public streets of said town, as they may find necessary. The commissioners shall also prepare a place to which horses may be hitched, and persons hitching horses to individual fences shall be, under the supervision of the town authorities, imprisoned or fined not exceeding thirty days in jail or fined fifty dollars.

Taxes, &c., how applied.

Horses, how hitched, &c.

SEC. 12. That the sale of spirituous liquors shall be in the discretion of the town authorities, and they shall prescribe the tax to be collected in case the sale is allowed.

Sale of liquors.

SEC. 13. That the officers of said town shall receive such compensation for their services as the mayor and aldermen of said town, in their discretion, shall authorize.

Compensation of officers.

SEC. 14. That if any officers appointed under this act shall, for any reason, fail to serve, the mayor shall have power to fill such vacancy.

Vacancies.

SEC. 15. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 178.

An act to incorporate Mount Pleasant Baptist Chapel Church, in Ashe county.

The General Assembly of North Carolina do enact:

SECTION 1. That Walter Abster, Robert Blevins, W. B. Wyatt, Riley Brown, Eli Brown, and their successors, shall be and they are hereby declared a body politic and corporate, in deed and in law, by the name and style of the Trustees of Mount Pleasant Baptist Chapel Church, in the county of Ashe; and said corporation shall have power to purchase and hold real and personal estate, so much as may be necessary for the purpose of carrying out the provisions of this act, and acquire the same by gift or otherwise, and shall have perpetual succession, and sue and be sued, plead and be pleaded in any court

Body politic.

Corporate name.

Corporate powers

in this State having competent jurisdiction, and may have and use a common seal, and have power to elect such officers as they shall deem necessary.

Vacancies.

SEC. 2. That in case of death, or refusal to act, or removal, or from any other cause there becomes a vacancy, the remaining trustees shall have power to fill the same, provided their number shall not be less than three nor more than five.

Misdemeanor to manufacture, sell, &c., liquor within two miles.

SEC. 3. That it shall be unlawful for any person to manufacture, sell, give away, or otherwise dispose of, any intoxicating liquors, except for medical purposes, at or within two miles of said church, and that any violation of the same shall be a misdemeanor. That it shall be a misdemeanor for any person to exhibit himself drunk, during divine worship, within the limits of this corporation. That it shall be a misdemeanor for any person to use loud or profane or indecent language, or engage in a quarrel, fire off a gun or pistol in hearing distance of those assembled for or occupied in divine worship at said church.

Misdemeanor.

Misdemeanor.

Penalty.

SEC. 4. That any person violating the provisions of section three of this act shall be fined not more than fifty dollars nor imprisoned more than thirty days, or both.

Police-men.

SEC. 5. That the trustees of said church and their successors in office shall have full and ample power to appoint special police, and to prescribe rules and regulations for their government and remuneration; and may also elect an intendant of police, who shall hold his office for one year or until his successor is appointed.

Ordinances.

SEC. 6. That the said trustees and their successors in office may enact such ordinances for the good government and protection of said church, and the people there while occupied for worship, and enforce the same, not inconsistent with the constitution and laws of this State.

Powers of police.

SEC. 7. That the special police shall have power to keep the peace and execute all process to them directed by the intendant of police within the limits of the corporation and during the time the people are assembled for or occupied in divine worship.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.



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CHAPTER 221.

An act to incorporate Vestibule Church (colored) in Cleveland county.

The General Assembly of North Carolina do enact:

Incorporators.	SECTION 1. That Peter Forney, Caleb Roberts, Washington McLain, Tollover Webber and Gus Webber, and their successors in office, shall be and are hereby declared a body politic and corporate in deed and in law by the name and style of "The Trustees of Vestibule Church (colored)" in the county of Cleveland; and said corporation shall have
Corporate name.	power to purchase and hold real estate and to acquire the same by gift or otherwise; shall have perpetual succession, and sue and be sued, plead and be impleaded in any court of this state having competent jurisdiction; and may have and use a common seal, and have power to elect such officers as they may deem necessary.
Corporate powers.	
Term of office of trustees.	SEC. 2. The term of office of the above trustees and of their successors shall be while they hold themselves as members in good standing in Vestibule Church (colored), and will act as a live, energetic officer; but should a vacancy be caused by neglect of either of the above requisites, or by death, or by any other cause, then such vacancy or vacancies shall be filled by the remaining trustees selecting a suitable person or persons for the same: <i>Provided</i> , their number shall never be less than three nor greater than seven.
Vacancies.	
Proviso.	
Unlawful to sell, &c., spirituous liquors within one mile.	SEC. 3. That it shall not be lawful for any person to sell, give away, or in any way dispose of, unless for medicinal purposes, spirituous liquors at or within one mile of Vestibule Church (colored), and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each offence be fined not more than fifty dollars or imprisoned not more than thirty days, or both, at the discretion of the court.
Misdemeanor.	
Certain offences a misdemeanor.	SEC. 4. That it shall be a misdemeanor for any one to exhibit himself staggering drunk, or use loud and boisterous language, or use profane and indecent language, or to quarrel in an angry manner in hearing of those who may be assembled within the limits of this corporation, at any time, for social, religious, political or educational advancement, and for every such offence, on conviction, the offender shall be fined ten dollars.
Penalty.	
Certain offences a misdemeanor.	SEC. 5. That it shall be a misdemeanor for any one while a congregation is assembled at the church for any social, religious, political or educational purposes, or while any such congregation is breaking and leaving, to fire any gun or pistol, to throw anything by which any one might be hurt, to cut loose any animal, or commit any damage to any article of personal property; and for every such offence, on conviction, the offender shall be fined ten dollars.
Penalty.	

SEC. 6. That the Trustees of Vestibule Church (colored), and their successors in office shall regulate, control or prohibit the sale of all articles of merchandise or produce within the limits which they may deem judicious; and any person violating this section, upon conviction, shall be fined two dollars for each and every offence: *Provided* however, that the trustees shall not lay off a limit greater than one-half mile from the church.

Regulation of sales by trustees.

Penalty.

Proviso.

SEC. 7. That the special police shall have power to keep the peace and carry out all the provisions of this act during the assemblage of the people, which shall be considered as from the arriving of the first to the leaving of the last person.

Powers of special police.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 222

An act to incorporate the town of Grimesland in Pitt county.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Grimesland in the county of Pitt be and the same is hereby incorporated by the name and style of "The Town of Grimesland," and shall be subject to all the provisions of chapter sixty-two, volume two of The Code.

Incorporated.

Corporate name.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a red-oak on the Greenville road near W. H. Manning's house; thence nine hundred and twenty-five yards to a pine near residence of Harry Evins; thence four hundred yards to a large walnut tree south of and near residence of J. and H. O. Campbell; thence seven hundred yards to a pine near the residence of David Forbes on road leading from Grimesland to Washington; thence eight hundred yards to a small red-oak on east side of road leading to Boyd's ferry; thence twelve hundred yards to the beginning.

Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor, three commissioners, a treasurer and one constable, and the following-named persons shall fill said offices until the first Monday in May, eighteen hundred and ninety-three, or until their successors are elected and qualified, namely: C. M. Jones, mayor; W. E. Proctor, W. H. Marslender and Thaddeus Moore, commissioners; J. O. Proctor, treasurer, and C. E. Boyd, constable.

Officers.

Temporary officers.

SEC. 4. That there shall be an election for officers mentioned in this act on the first Monday in May, eighteen hundred and ninety-three,

Election.

PUBLIC LAWS AND RESOLUTIONS
OF THE
STATE OF NORTH CAROLINA
PASSED BY THE
GENERAL ASSEMBLY
AT ITS
SESSION OF 1899,
BEGUN AND HELD IN THE CITY OF RALEIGH
ON
WEDNESDAY, THE FOURTH DAY OF JANUARY, A. D. 1899.

PUBLISHED BY AUTHORITY.

RALEIGH, N C
EDWARDS & BROUGHTON AND J. M. UZZELL, STATE PRINTERS AND BINDERS.
1899

and construed to relate to and include the town of Wadesboro and any other incorporated town in said township, as well as the portion of said township outside the corporate limits of said towns in the matter and question of voting for and issuing bonds and of voting for and levying taxes for the purposes defined in said act.

Subjects of taxation shall be included within meaning of act.

SEC. 2. That in any tax levy in any other township in Anson county, made in pursuance of said act, any incorporated town therein and the subjects of taxation in any such town shall be included within the meaning and intent of said act.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 10th day of February, A. D. 1899.

CHAPTER 120.

An act to prohibit shooting guns or pistols in the towns of Sparta, Alleghany county, and Jefferson, Ashe county.

The General Assembly of North Carolina do enact:

Shooting guns in Sparta and Jefferson unlawful.

SECTION 1. That it shall be unlawful for any person wantonly or in sport to shoot or discharge any gun or pistol in or within one hundred yards of any street in or any public road leading out of the towns of Sparta in Alleghany county and Jefferson in Ashe county for a distance of one-fourth mile from the court-houses in said towns.

Misdemeanor. Penalty.

SEC. 2. That any person violating section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars or imprisoned not to exceed thirty days.

SEC. 3. That this act shall be in full force from and after April first, eighteen hundred and ninety-nine.

Ratified the 16th day of February, A. D. 1899.

CHAPTER 121.

An act to amend section one of chapter eighty-one, of public laws of eighteen hundred and ninety-seven.

The General Assembly of North Carolina do enact:

Section 1, chapter 81, public laws of 1897, relating to killing of deer in Hyde county, amended.

SECTION 1. That section one of said act be amended by placing after the word "do" in said section the following: "Provided, that all that portion of Hyde county between Alligator and Long Shoal rivers and bounding Mattamuskeet lake on the north, east and northeast be and the same is excluded from the application of this act."

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 16th day of February, A. D. 1899.

OHIO



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Salmon P. Chase. Statutes of Ohio and of the Northwestern Territory, Adopted or Enacted from 1788 to 1833 Inclusive: Together with the Ordinance of 1787; the Constitutions of Ohio and of the United States, and various Public Instruments and Acts of Congress (1833).

ALWD 7th ed.

Chase, Salmon P. Statutes of Ohio & of the Northwestern Territory, Adopted or Enacted from 1788 to 1833 Inclusive: Together with the Ordinance of 1787; the Constitutions of Ohio & of the United States, & various Public Instruments & Acts of Congress (1833).

APA 7th ed.

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THE
STATUTES OF OHIO

AND OF THE
NORTHWESTERN TERRITORY,

ADOPTED OR ENACTED

FROM 1788 TO 1833 INCLUSIVE:

TOGETHER WITH

THE ORDINANCE OF 1787;

THE CONSTITUTIONS OF OHIO AND OF THE UNITED STATES,

AND VARIOUS PUBLIC INSTRUMENTS AND ACTS OF CONGRESS:

ILLUSTRATED BY

A PRELIMINARY SKETCH OF THE HISTORY OF OHIO;

NUMEROUS REFERENCES AND NOTES,

AND COPIOUS INDEXES.

VOLUME I.

EDITED
BY SALMON P. CHASE.

CINCINNATI:
PUBLISHED BY COREY & FAIRBANK.
1833.

Entered in the year 1833, according to act of congress,
BY COREY AND FAIRBANK,
in the clerk's office of the district court of Ohio.

CINCINNATI:
PRINTED BY F. S. BENTON.

Repealed, T.
L. c. 66, § 8.

CHAP. XII.—An act prohibiting the sale of spirituous and other intoxicating liquors to soldiers in the service of the United States, being within ten miles of any military post within the territory of the United States northwest of the river Ohio; and to prevent the selling or pawning of arms, ammunition, clothing, and accoutrements.

Prohibition of
sale of spirituous
liquors to
non-commissioned
officers,
&c.

§ 1. *Be it enacted*, That if any person being within ten miles of any encampment, post, fort or garrison, or hospital for the convalescents thereof now, or hereafter to be formed, established or erected within this territory, and occupied, garrisoned, or possessed by regular troops in the service of the United States, or of this territory, shall give, sell, exchange or furnish, or cause or procure to be given, sold, exchanged, or furnished, to any non-commissioned officer or private soldier (knowing him to be such) serving in or belonging to any encampment, post, fort, garrison, or hospital as aforesaid, any spirituous or other intoxicating liquor or drink, be the quantity more or less, without an order in writing previously obtained from a commissioned officer serving with the same troops, he or she so offending, shall on conviction, forfeit and pay to the use of the party first informing (or to the use of the county wherein the offence is committed, if the prosecution be at the suit, and on behalf of the United States) the sum of two dollars for every gill of such liquor, or drink so furnished, without an order as aforesaid, to be recovered before any two justices of the peace for the county wherein the offence shall be committed, in case the aggregate sum, so to be forfeited do not exceed twenty dollars, or if otherwise by action of debt or information in any court of record. *Provided always*, That nothing hereinbefore contained shall be construed to restrain the surgeon or surgeon's mate, having the care of the convalescents, in any such hospital or hospitals, from procuring for the use thereof any liquor or drink, he may deem needful.

Penalty on pur-
chasing their
arms, &c.

§ 2. *And be it further enacted*, That if any person shall presume to bargain for, purchase, or receive in pledge, or as a gift, or cause or procure to be bargained for, purchased, or received in pledge or as a gift, on any pretence whatever, all or any part of the public arms, ammunition, clothing or accoutrements pertaining to any non-commissioned officer or private soldier in the service aforesaid (knowing him to be such) he or she so offending, shall on conviction, forfeit and pay for the first offence treble the value of the articles so purchased or received, the same to be recovered with costs, by action of debt or information, in any court of record, one half to the informer, and the other half to the United States, or the whole to the United States, where prosecution shall be first instituted on the public behalf alone: and for every repetition of the like offence by the same person, he or she so offending again, shall forfeit and pay in like manner treble the value of the articles purchased or received as aforesaid, together with costs, and shall moreover suffer imprisonment for a term not exceeding one month.

Penalties here-
in, how dispos-
ed of.

This act shall commence, and be in force from the first day of January next ensuing. [*Passed at Vincennes, July 26, 1790.*]

Repealed, T.
L. c. 66, § 9.

CHAP. XIII.—An act for suppressing and prohibiting every species of gaming for money or other property, and for making void all contracts and payments made in consequence thereof, and also for restraining the disorderly practice of discharging fire arms at certain hours and places.

Preamble.

Whereas the population, happiness and prosperity of all countries, especially infant communities, necessarily depend upon the sobriety and industry of the people, and their attention to the moral and political duties of life, without which neither the great ends of society can be answered, nor the blessings of good government be felt. And whereas many pernicious games have been publicly practised in this territory, tending to the corruption of morals and the increase of vice and idleness, and by which the honest and unsuspecting citizen may be defrauded, and deserving families be reduced to beggary and want.

Penalty on set-
ting up gaming
tables, &c.

§ 1. *Be it therefore enacted*, That if any person or persons within this territory, shall on his, her or their own account, or on the account of any other person or persons, publicly set up, permit, or suffer, or cause or procure to be publicly set up, permitted or suffered, any species of gaming, play or pastime whatever, whereby money or other property shall be betted, won or lost, or by reason whereof the party so publicly permitting the same, shall or may derive any benefit or advantage, in money, goods or other property, as a consideration for permission to play or bet thereat, each and every such person so offending shall forfeit and pay for every such offence of which he or

she shall be convicted, the sum of two hundred dollars, to be recovered with costs, by information, indictment, or action of debt, in any court of record where the same shall be cognizable.

§ 2. *And be it further enacted*, That if any tavernkeeper or innkeeper shall expose, permit or suffer to be played at, in his or her dwelling-house, or in any out-house, or within or under any booth, arbor, shed or other place pertaining to such dwelling-house, or being in his or her tenure or possession, any billiard, faro, E. O. hazard, or other gaming tables, or any other machine, instrument, device, or invention whatsoever, by reason whereof money or other property shall be betted, won or lost, or whereby he or she shall derive any benefit or advantage, in money or other property, as a consideration for permitting others to play or bet thereat. Then, and in every such case, the party so offending shall be deprived of his or her license, and moreover forfeit and pay to the use of the territory, the sum of one hundred dollars, to be recovered with costs, by information, indictment, or action of debt in any court of record where the same shall be cognizable. *Penalties how disposed of.* *Provided always*, That where in any of the cases aforesaid, any person shall within three months from the cause of action, first institute an information, quitam, or bring an original action of debt to recover either of the penalties hereinbefore given, and shall prosecute the same to effect, without delay or discontinuance, such person shall be entitled to receive and have a moiety of such penalty, the other moiety thereof shall go to the use of this territory.

§ 3. *And be it further enacted*, That every promise, agreement, note, bill, bond, or other contract to pay, deliver or secure money, goods, or estate, won or obtained, either by playing at cards, dice-tables, tennis-bowls, or other games, chances, sports, or pastimes, or by laying or betting, on the hands, or sides of any person or party, who shall play at such or any other games, chances, sports, or pastimes, or which shall be won or obtained, by laying or betting on any horse-race, cock-fight, or other sport, pastime, game, or exercise of skill or chance, or which is intended to repay or secure money or other thing lent or advanced for any of the purposes aforesaid, or lent or advanced at the time of such gaming, sporting, or betting, to a person then actually betting, laying, or adventuring money or other thing, shall and the same is and are hereby declared to be null and void. *Notes, &c. given for money won at cards, &c. declared void; and any conveyances, &c. for money won to enure to heirs of the grantor, &c.* And any conveyance or lease of lands, tenements, or hereditaments, sold, demised, or mortgaged, and any sale, mortgage or other transfer of personal estate, to any person for his use, to satisfy or secure money or other thing by him won of, or lent, or advanced to the seller, lessor, or mortgagor, or whereof money or other thing, so won or lent, or advanced, shall be part, or all of the consideration money, shall enure to the heir or heirs of such mortgagor, lessor, bargainor or vendor, and shall vest the whole estate and interest in such person, in the lands, tenements or hereditaments so leased, mortgaged, bargained or sold, and in the personal estate so sold, mortgaged or otherwise transferred to all intents and purposes, in the heir or heirs of such lessor, bargainor, mortgagor or vendor, as if such lessor, bargainor, mortgagor or vendor had died intestate.*

Provided always nevertheless, That nothing so far in this act contained, shall be deemed or construed to restrain or impair the natural and necessary liberty which all good citizens, or subjects without distinction, may of right claim and enjoy in the peaceable exercise of any useful or rational amusement, recreation, sport or pastime, whether the same be used to promote health, pleasure, or a laudable emulation to excel in feats of skill, strength, adroitness, or otherwise howsoever. *Provided*, That neither money nor other property be betted, won or lost thereby, nor any consideration of money or other property be taken or given for or by reason of the same.

And whereas a disorderly practice prevails in many parts of this territory of discharging fire-arms in the streets and vicinity of cities, towns, villages and stations, and also of discharging fire-arms by night in and near such cities towns, villages and stations, by means whereof the lives of citizens are endangered, alarms are excited, and the repose and peace of the community disturbed.

For remedy of which abuses,

* Under this act, the heirs took the estate conveyed on a gambling consideration subject to the debts of the grantor. When land, having been conveyed for a gambling consideration, was afterwards sold on attachment against the grantor, as an absconding debtor, the sale was held to be valid. (1 O. R. 402.)

Fire-arms not to be discharged within certain distance of a house.

Penalty for transgression.

Fire-arms not to be discharged before sunrise and after sunset, under what penalty.

Right to use arms lawfully; in military exercise, &c. or in killing birds, &c. not infringed.

In what direction game may be shot at.

Duty of judges herein.

§ 4. *Be it enacted*, That if any person shall presume to discharge or fire, or cause to be discharged or fired, any gun or other fire-arms at any mark or object, or upon any pretence whatever, unless he or she shall at the same time be with such gun or fire-arms at the distance of at least one-quarter of a mile from the nearest building of any such city, town, village or station, such person shall for every such offence, forfeit and pay to the use of the county in which the same shall be committed, a sum not exceeding five dollars, nor less than one dollar. And if any person being within a quarter of a mile of any city, town, village or station as aforesaid, shall at the same time wilfully discharge or fire any gun or fire-arms, or cause or procure the same to be discharged or fired, at any time after the setting of the sun and before the rising of the same, he or she so offending, shall in like manner forfeit and pay to the use aforesaid, a sum not exceeding five dollars, nor less than one dollar; reserving nevertheless to any person who will inform, and sue for either of the penalties hereinbefore last mentioned within one month from the commission of the offence, a moiety of the penalty which the party offending shall on conviction be adjudged to forfeit and pay, the other moiety thereof to go to the use of the county as aforesaid; which said several penalties, or either of them, shall be recoverable with costs, before any justice, judge, or court having cognizance of the same.

Provided always, That nothing herein contained shall be deemed or construed to extend to any person lawfully using fire-arms as offensive or defensive weapons, in annoying, or opposing a common enemy, or defending his or her person or property, or the person or property of any other, against the invasion or depredations of an enemy, or in the support of the laws and government; or against the attacks of rebels, highwaymen, robbers, thieves, or others unlawfully assailing him or her, or in any other manner where such opposition, defence, or resistance is allowed by the law of the land.

Provided also, That nothing herein contained shall be construed or extend to prevent the necessary military exercise, evolutions and firings of, or the discharging of cannon or small arms, by any soldiers or troops in the service of the United States, or of this territory, being in the field, or posted in or near any city, town, village, station, garrison, fort, encampment or other place, and acting under the immediate orders or by the special direction of the officer commanding the same. Nor shall any thing herein contained be intended or construed to extend to the act of killing or destroying birds of prey, or other wild birds, and mad or wild animals of the brute kind lurking among, in or near, or preying upon or threatening to prey upon and devour any kind of animal stock, or the corn, grain, and other produce in, of or belonging to any plantation, field, garden or other place within, adjoining, or in the vicinity of any city, town, village or station: nor to the hindrance of any person shooting at or killing any of the larger kind of game or wild animals, such as buffaloes, bears, deer, hares, rabbits, turkeys, swans, geese that may happen at any time to come in view, or be passing or feeding near any city, town, or other place as aforesaid: but every person shooting at any of such game is hereby required to discharge the ball, or balls, shot, or missile weapon so employed in a direction from such city, town, village, or station towards the country so as such ball or balls, missile weapon, or shot, shall pass by or from, and go clear of the buildings pertaining to the same.

§ 5. *And be it further enacted*, That as well the presiding judge in the general court, as the presiding judge or justice in each and every inferior court of law, in this territory shall severally and from time to time give this act in charge to the grand juries of such courts respectively whenever such grand juries shall be sworn.

This act to commence and be in force from and after the first day of January next. [*Passed at Vincennes, August 4, 1790.*]

Alt. T. L. c. 44.
Rep. T. L. c. 66, § 10.

CHAP. XIV.—An act* to alter the terms of the general court.

§ 1. *Be it enacted and it is hereby enacted*, That from and after the first day of January next, the several terms of the general court for the territory north-west of the river Ohio shall be held in the following manner, viz. In the county of Knox on the first Tuesday in May yearly and every year. In the

* This, and the following laws, to c. 23, inclusive, were 'passed,' by governor St. Clair and judges Symmes and Turner.



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AN ACT

To incorporate the Woodland Cemetery Association of Dayton.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John W. Van Cleve, Edward W. Davies, Job Haines, Jonathan D. Phillips, and James Perrine, and their associates, subscribers to the articles of the Woodland Cemetery Association of Dayton, in the county of Montgomery, and their successors and assigns, be and they are hereby created a body politic and corporate, by the name and style of the Woodland Cemetery Association of Dayton; and, by that name, shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, in all courts and places, and in all matters whatsoever, with power to purchase, receive, hold, occupy, and convey, any real and personal estate which may be appropriate to the nature of their association, and to use a corporate seal.

SEC. 2. That the officers of the said association shall be five trustees, a secretary and a treasurer, who shall be elected by the stockholders, triennially, and who shall hold their offices until their successors are chosen. The trustees shall elect one of their own number president of the association, and shall fill any vacancy that may occur in their own number, or in the office of secretary or treasurer. The title to all the property of the association, real and personal, shall be vested in the trustees, who shall have the government, management, and regulation thereof, and of the business and interests of the association, under such general regulations as may be prescribed by the bylaws adopted in a general meeting of the shareholders, provided such bylaws shall not contravene any of the laws of this state, or the original articles of the said association.

SEC. 3. That the said association shall have authority to dedicate, and appropriate, any real estate now owned by them, or hereafter to be purchased by them, as, and for, a rural cemetery, or burying ground, and for the erection of tombs, cenotaphs, and other monuments for, or in memory of, the dead; and, for this purpose, to lay out the same in suitable lots, or other subdivisions, for family or other burying places; and to plant and embellish the same with trees, shrubbery, flowers, walks, and other rural ornaments; and to make and provide for suitable inclosures; and to make and annex thereto such other suitable appendages and conveniences as they shall from time to time deem expedient. And whenever the said association shall so lay out and dedicate any of their real estate for a cemetery, or burying ground, as aforesaid, the same shall be deemed a perpetual dedication thereof for the purposes aforesaid, and shall be forever held by the said association, in trust, for such purposes, and for none other. And all real estate so dedicated, for the purposes aforesaid, with the ground occupied by the sexton's and porter's dwelling house and garden, attached thereto, and any road owned by the association, connecting their said grounds with any public street, shall be exempted from taxation. And the said association shall have authority to grant and convey, to any person or persons, the sole and exclusive right of burial, and of erecting tombs, cenotaphs, and other monuments, in any such designated lots or subdivisions, upon such terms or conditions, and subject to such regulations as

the said association shall prescribe. And every right so granted or conveyed, shall be held for the purposes aforesaid, and for none other, as real estate, by the proprietor or proprietors thereof, and shall not be subject to attachment or execution.

SEC. 4. That it shall be lawful for the said association to take and hold any grant, donation, or bequest of property, upon trust, to apply the income thereof for the improvement or embellishment of the said cemetery, or of any lot or subdivision thereof, or for the repairs, preservation, or renewal of any tomb, monument, gravestone, fence or railing, or other erection in, or around, any burying lot, or for the planting and cultivation of trees, shrubs, flowers, or plants, in or around any burying lot, according to the terms of such grant, donation, or bequest; and any court in this state, having equity jurisdiction, shall have power to compel the due performance of the said trusts, or any of them, upon a bill filed for that purpose by a proprietor of any lot in said cemetery.

SEC. 5. That any person who shall wilfully destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone, or other structure placed in the cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of any tomb, monument, gravestone, or other structure aforesaid, or of any burying lot within the limits of the cemetery aforesaid, or shall wilfully destroy, cut, break, injure, or remove any tree, shrub, or plant, within the limits of the said cemetery, or shall shoot or discharge any gun within the limits aforesaid, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before the mayor of the city of Dayton, or any justice of the peace within the township of Dayton, be punished by a fine not less than five dollars, nor more than fifty dollars, according to the nature and aggravation of the offence; and such offender shall also be liable, in an action of trespass to be brought against him, in any court of competent jurisdiction, by the said association, to pay all such damages as shall have been occasioned by his unlawful act or acts; which money, when recovered, shall be applied by the trustees of the said association to the reparation and restoration of the property destroyed or injured as aforesaid. And, in such action, any member of the said association shall be a competent witness.

SEC. 6. That any future Legislature shall have power to alter, amend, or repeal this act.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1842.

AN ACT

To incorporate the Hook and Ladder Fire Company of Leesburg, in the county of Carroll.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Eli Willemin, John L. Hunt, G. W. Adams, John Vanhorn, Mercer

L A W S
AND
GENERAL ORDINANCES

OF THE
CITY OF DAYTON,
CONTAINING

The Laws of the State upon municipal government; all the general Ordinances in force August 30th, 1855; a list of the Officers of the City under the new act of Incorporation, together with the amount of taxes levied in each year for general and special purposes, since 1851, and the total amount in each year, of property subject to taxation.

~~~~~  
**COLLATED AND COMPILED**

**BY**

**GEORGE W. MALAMBRE.**

~~~~~  
PUBLISHED BY ORDER OF THE CITY COUNCIL.

~~~~~  
**DAYTON, OHIO:**  
**PRINTED AT THE EMPIRE STEAM PRINTING HOUSE.**  
**1855.**

of, shall pay a fine not exceeding one hundred dollars, and costs.

Beating or in- (36.) SEC. XXXVII. If any person shall beat, or juring domestic otherwise injure, any horse, mare, mule, ox, ass, or any animals, cruel- other domestic animal, in an immoderate, cruel, or un- ly, how punish- necessary manner, such person, on conviction thereof, ed. shall pay a fine not exceeding twenty dollars, and costs.

Disturbing the (37.) SEC. XXXVIII. If any person, or persons, peace and good shall disturb the peace and good order of this city, by order of the city punished. any unusual and unnecessary noises, or riotous, or disorderly behaviour, or wrangling and quarreling, every person, so offending, on conviction thereof, shall pay a fine not exceeding twenty dollars, and costs.

Firing cannon (38.) SEC. XXXIX. If any person, or persons, shall and other fire fire any cannon, gun, or other firearms, within the bounds arms, how pun- of the building lots, or cemetery ground in this city, or ished. within one hundred yards of any public road, within this corporation, except by permission of council, and except Exceptions thereto. in proper situations for firing salutes, or by command of a military officer in the performance of military duty, every person, so offending, on conviction thereof, shall pay a fine not exceeding ten dollars, and costs.

False alarm of (39.) SEC. XL. If any person shall, wantonly, and fire, punished without reasonable cause, raise a false alarm, by crying and how. fire within this city, such person, on conviction thereof, shall pay a fine not exceeding ten dollars, and costs.

Repealing sec- (40.) SEC. XLI. All ordinances, and parts of any tion. ordinance, of the common council of the town of Dayton, for the punishment of any offense defined in this ordinance, so far as they shall come within the purview of this ordinance, are hereby repealed. This ordinance shall take effect from and after the publication thereof.

#### AN ORDINANCE

\*To prohibit certain offenses, and fix their punishment.

PASSED MAY 1, 1832.

(41.) SEC. I. The common council of the town of  
Dayton ordain, \* \* \* \* \*

\*All the sections of this ordinance are repealed, altered or amended by the preceding ordinance, except sections 15, 33 and 34.



MUNICIPAL CODE  
OF THE  
VILLAGE OF HYDE PARK,  
TOGETHER WITH  
GENERAL LAWS

AFFECTING MUNICIPAL CORPORATIONS; CHARTERS' AND SPECIAL  
ORDINANCES, GRANTING CERTAIN PRIVILEGES  
IN THE VILLAGE.

---

ADOPTED  
BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HYDE  
PARK AND APPROVED BY SAID PRESIDENT  
March 28, A. D. 1887.

---

PRINTED AND PUBLISHED BY  
AUTHORITY OF THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF HYDE PARK.

---

*Revised and corrected*  
**WITHDRAWN**  
HENRY FREEMAN,  
*Attorney*

---

HYDE PARK, ILLINOIS:  
1887.

**233.** § 3. No person shall be intoxicated in any street, highway, thoroughfare, park or public place, or in any private house or place, to the disturbance of any person.

**234.** § 4. No person shall be guilty of disorderly conduct, nor make, aid, countenance, or assist in making any improper noise, riot, disturbance, or breach of the peace.

**235.** § 5. No person shall be guilty of open lewdness, disorderly conduct or act of public indecency.

**236.** § 6. No person shall shoot any bird or animal, nor hunt with gun or dog in any street, highway, alley, thoroughfare, park, or public grounds.

**237.** § 7. No squibs, rockets, crackers, bombs, or fireworks, containing powder, or other combustible or explosive materials, shall be kept or stored within the village, except the same be kept or stored in a fire-proof vault.

**238.** § 8. No person shall fire, or discharge any cannon, gun, fowling piece, pistol or firearms of any description, or fire, explode, or set off any squib, crackers or other thing containing powder or other explosive substances on Sunday.

**239.** § 9. No person shall play any musical instrument on Sunday in any street, highway, alley, thoroughfare, public, or unoccupied ground, garden or saloon, to the disturbance of any person, without written permission so to do from the President of the Board of Trustees.

**240.** § 10. No person shall, by any menace, profane swearing, vulgar language, or any disorderly or unusual conduct, interrupt or disturb any assembly of people met for the worship of God.

**241.** § 11. No person shall willfully interrupt or disturb any school or other assembly of people, met for a lawful purpose.

**242.** § 12. No person shall willfully interrupt or disturb a funeral assembly or procession.

**243.** § 13. No bowling saloon or alley shall be kept open on Sunday, or at night between the hours of eleven P. M. and six A. M.

**244.** § 14. No person shall bathe or swim in any lake, river, pond, ditch or body of water within the corporate limits

THE  
STATUTES OF OHIO

AND OF THE  
NORTHWESTERN TERRITORY,

ADOPTED OR ENACTED

FROM 1788 TO 1833 INCLUSIVE:

TOGETHER WITH

THE ORDINANCE OF 1787;

THE CONSTITUTIONS OF OHIO AND OF THE UNITED STATES,

AND VARIOUS PUBLIC INSTRUMENTS AND ACTS OF CONGRESS:

ILLUSTRATED BY

A PRELIMINARY SKETCH OF THE HISTORY OF OHIO;

NUMEROUS REFERENCES AND NOTES,

AND COPIOUS INDEXES.

VOLUME I.

---

EDITED  
BY SALMON P. CHASE.

---

CINCINNATI:  
PUBLISHED BY COREY & FAIRBANK.  
1833.

Entered in the year 1833, according to act of congress,  
BY COREY AND FAIRBANK,  
in the clerk's office of the district court of Ohio.

---

CINCINNATI:  
PRINTED BY F. S. BENTON.

Repealed, T.  
L. c. 66, § 8.

CHAP. XII.—An act prohibiting the sale of spirituous and other intoxicating liquors to soldiers in the service of the United States, being within ten miles of any military post within the territory of the United States northwest of the river Ohio; and to prevent the selling or pawning of arms, ammunition, clothing, and accoutrements.

Prohibition of  
sale of spirituous  
liquors to  
non-commissioned  
officers,  
&c.

§ 1. *Be it enacted*, That if any person being within ten miles of any encampment, post, fort or garrison, or hospital for the convalescents thereof now, or hereafter to be formed, established or erected within this territory, and occupied, garrisoned, or possessed by regular troops in the service of the United States, or of this territory, shall give, sell, exchange or furnish, or cause or procure to be given, sold, exchanged, or furnished, to any non-commissioned officer or private soldier (knowing him to be such) serving in or belonging to any encampment, post, fort, garrison, or hospital as aforesaid, any spirituous or other intoxicating liquor or drink, be the quantity more or less, without an order in writing previously obtained from a commissioned officer serving with the same troops, he or she so offending, shall on conviction, forfeit and pay to the use of the party first informing (or to the use of the county wherein the offence is committed, if the prosecution be at the suit, and on behalf of the United States) the sum of two dollars for every gill of such liquor, or drink so furnished, without an order as aforesaid, to be recovered before any two justices of the peace for the county wherein the offence shall be committed, in case the aggregate sum, so to be forfeited do not exceed twenty dollars, or if otherwise by action of debt or information in any court of record. *Provided always*, That nothing hereinbefore contained shall be construed to restrain the surgeon or surgeon's mate, having the care of the convalescents, in any such hospital or hospitals, from procuring for the use thereof any liquor or drink, he may deem needful.

Penalty on pur-  
chasing their  
arms, &c.

§ 2. *And be it further enacted*, That if any person shall presume to bargain for, purchase, or receive in pledge, or as a gift, or cause or procure to be bargained for, purchased, or received in pledge or as a gift, on any pretence whatever, all or any part of the public arms, ammunition, clothing or accoutrements pertaining to any non-commissioned officer or private soldier in the service aforesaid (knowing him to be such) he or she so offending, shall on conviction, forfeit and pay for the first offence treble the value of the articles so purchased or received, the same to be recovered with costs, by action of debt or information, in any court of record, one half to the informer, and the other half to the United States, or the whole to the United States, where prosecution shall be first instituted on the public behalf alone: and for every repetition of the like offence by the same person, he or she so offending again, shall forfeit and pay in like manner treble the value of the articles purchased or received as aforesaid, together with costs, and shall moreover suffer imprisonment for a term not exceeding one month.

Penalties here-  
in, how dispos-  
ed of.

This act shall commence, and be in force from the first day of January next ensuing. [*Passed at Vincennes, July 26, 1790.*]

Repealed, T.  
L. c. 66, § 9.

CHAP. XIII.—An act for suppressing and prohibiting every species of gaming for money or other property, and for making void all contracts and payments made in consequence thereof, and also for restraining the disorderly practice of discharging fire arms at certain hours and places.

Preamble.

Whereas the population, happiness and prosperity of all countries, especially infant communities, necessarily depend upon the sobriety and industry of the people, and their attention to the moral and political duties of life, without which neither the great ends of society can be answered, nor the blessings of good government be felt. And whereas many pernicious games have been publicly practised in this territory, tending to the corruption of morals and the increase of vice and idleness, and by which the honest and unsuspecting citizen may be defrauded, and deserving families be reduced to beggary and want.

Penalty on set-  
ting up gaming  
tables, &c.

§ 1. *Be it therefore enacted*, That if any person or persons within this territory, shall on his, her or their own account, or on the account of any other person or persons, publicly set up, permit, or suffer, or cause or procure to be publicly set up, permitted or suffered, any species of gaming, play or pastime whatever, whereby money or other property shall be betted, won or lost, or by reason whereof the party so publicly permitting the same, shall or may derive any benefit or advantage, in money, goods or other property, as a consideration for permission to play or bet thereat, each and every such person so offending shall forfeit and pay for every such offence of which he or

she shall be convicted, the sum of two hundred dollars, to be recovered with costs, by information, indictment, or action of debt, in any court of record where the same shall be cognizable.

§ 2. *And be it further enacted,* That if any tavernkeeper or innkeeper shall expose, permit or suffer to be played at, in his or her dwelling-house, or in any out-house, or within or under any booth, arbor, shed or other place pertaining to such dwelling-house, or being in his or her tenure or possession, any billiard, faro, E. O. hazard, or other gaming tables, or any other machine, instrument, device, or invention whatsoever, by reason whereof money or other property shall be betted, won or lost, or whereby he or she shall derive any benefit or advantage, in money or other property, as a consideration for permitting others to play or bet thereat. Then, and in every such case, the party so offending shall be deprived of his or her license, and moreover forfeit and pay to the use of the territory, the sum of one hundred dollars, to be recovered with costs, by information, indictment, or action of debt in any court of record where the same shall be cognizable. *Penalties how disposed of.* *Provided always,* That where in any of the cases aforesaid, any person shall within three months from the cause of action, first institute an information, quitam, or bring an original action of debt to recover either of the penalties hereinbefore given, and shall prosecute the same to effect, without delay or discontinuance, such person shall be entitled to receive and have a moiety of such penalty, the other moiety thereof shall go to the use of this territory.

§ 3. *And be it further enacted,* That every promise, agreement, note, bill, bond, or other contract to pay, deliver or secure money, goods, or estate, won or obtained, either by playing at cards, dice-tables, tennis-bowls, or other games, chances, sports, or pastimes, or by laying or betting, on the hands, or sides of any person or party, who shall play at such or any other games, chances, sports, or pastimes, or which shall be won or obtained, by laying or betting on any horse-race, cock-fight, or other sport, pastime, game, or exercise of skill or chance, or which is intended to repay or secure money or other thing lent or advanced for any of the purposes aforesaid, or lent or advanced at the time of such gaming, sporting, or betting, to a person then actually betting, laying, or adventuring money or other thing, shall and the same is and are hereby declared to be null and void. *Notes, &c. given for money won at cards, &c. declared void; and any conveyances, &c. for money won to enure to heirs of the grantor, &c.* And any conveyance or lease of lands, tenements, or hereditaments, sold, demised, or mortgaged, and any sale, mortgage or other transfer of personal estate, to any person for his use, to satisfy or secure money or other thing by him won of, or lent, or advanced to the seller, lessor, or mortgagor, or whereof money or other thing, so won or lent, or advanced, shall be part, or all of the consideration money, shall enure to the heir or heirs of such mortgagor, lessor, bargainor or vendor, and shall vest the whole estate and interest in such person, in the lands, tenements or hereditaments so leased, mortgaged, bargained or sold, and in the personal estate so sold, mortgaged or otherwise transferred to all intents and purposes, in the heir or heirs of such lessor, bargainor, mortgagor or vendor, as if such lessor, bargainor, mortgagor or vendor had died intestate.\*

*Provided always nevertheless,* That nothing so far in this act contained, shall be deemed or construed to restrain or impair the natural and necessary liberty which all good citizens, or subjects without distinction, may of right claim and enjoy in the peaceable exercise of any useful or rational amusement, recreation, sport or pastime, whether the same be used to promote health, pleasure, or a laudable emulation to excel in feats of skill, strength, adroitness, or otherwise howsoever. *Provided,* That neither money nor other property be betted, won or lost thereby, nor any consideration of money or other property be taken or given for or by reason of the same.

And whereas a disorderly practice prevails in many parts of this territory of discharging fire-arms in the streets and vicinity of cities, towns, villages and stations, and also of discharging fire-arms by night in and near such cities towns, villages and stations, by means whereof the lives of citizens are endangered, alarms are excited, and the repose and peace of the community disturbed.

For remedy of which abuses,

\* Under this act, the heirs took the estate conveyed on a gambling consideration subject to the debts of the grantor. When land, having been conveyed for a gambling consideration, was afterwards sold on attachment against the grantor, as an absconding debtor, the sale was held to be valid. (1 O. R. 402.)

Fire-arms not to be discharged within certain distance of a house.

Penalty for transgression.

Fire-arms not to be discharged before sunrise and after sunset, under what penalty.

Right to use arms lawfully; in military exercise, &c. or in killing birds, &c. not infringed.

In what direction game may be shot at.

Duty of judges herein.

§ 4. *Be it enacted*, That if any person shall presume to discharge or fire, or cause to be discharged or fired, any gun or other fire-arms at any mark or object, or upon any pretence whatever, unless he or she shall at the same time be with such gun or fire-arms at the distance of at least one-quarter of a mile from the nearest building of any such city, town, village or station, such person shall for every such offence, forfeit and pay to the use of the county in which the same shall be committed, a sum not exceeding five dollars, nor less than one dollar. And if any person being within a quarter of a mile of any city, town, village or station as aforesaid, shall at the same time wilfully discharge or fire any gun or fire-arms, or cause or procure the same to be discharged or fired, at any time after the setting of the sun and before the rising of the same, he or she so offending, shall in like manner forfeit and pay to the use aforesaid, a sum not exceeding five dollars, nor less than one dollar; reserving nevertheless to any person who will inform, and sue for either of the penalties hereinbefore last mentioned within one month from the commission of the offence, a moiety of the penalty which the party offending shall on conviction be adjudged to forfeit and pay, the other moiety thereof to go to the use of the county as aforesaid; which said several penalties, or either of them, shall be recoverable with costs, before any justice, judge, or court having cognizance of the same.

*Provided always*, That nothing herein contained shall be deemed or construed to extend to any person lawfully using fire-arms as offensive or defensive weapons, in annoying, or opposing a common enemy, or defending his or her person or property, or the person or property of any other, against the invasion or depredations of an enemy, or in the support of the laws and government; or against the attacks of rebels, highwaymen, robbers, thieves, or others unlawfully assailing him or her, or in any other manner where such opposition, defence, or resistance is allowed by the law of the land.

*Provided also*, That nothing herein contained shall be construed or extend to prevent the necessary military exercise, evolutions and firings of, or the discharging of cannon or small arms, by any soldiers or troops in the service of the United States, or of this territory, being in the field, or posted in or near any city, town, village, station, garrison, fort, encampment or other place, and acting under the immediate orders or by the special direction of the officer commanding the same. Nor shall any thing herein contained be intended or construed to extend to the act of killing or destroying birds of prey, or other wild birds, and mad or wild animals of the brute kind lurking among, in or near, or preying upon or threatening to prey upon and devour any kind of animal stock, or the corn, grain, and other produce in, of or belonging to any plantation, field, garden or other place within, adjoining, or in the vicinity of any city, town, village or station: nor to the hindrance of any person shooting at or killing any of the larger kind of game or wild animals, such as buffaloes, bears, deer, hares, rabbits, turkeys, swans, geese that may happen at any time to come in view, or be passing or feeding near any city, town, or other place as aforesaid: but every person shooting at any of such game is hereby required to discharge the ball, or balls, shot, or missile weapon so employed in a direction from such city, town, village, or station towards the country so as such ball or balls, missile weapon, or shot, shall pass by or from, and go clear of the buildings pertaining to the same.

§ 5. *And be it further enacted*, That as well the presiding judge in the general court, as the presiding judge or justice in each and every inferior court of law, in this territory shall severally and from time to time give this act in charge to the grand juries of such courts respectively whenever such grand juries shall be sworn.

This act to commence and be in force from and after the first day of January next. [*Passed at Vincennes, August 4, 1790.*]

Alt. T. L. c. 44.  
Rep. T. L. c. 66, § 10.

CHAP. XIV.—An act\* to alter the terms of the general court.

§ 1. *Be it enacted and it is hereby enacted*, That from and after the first day of January next, the several terms of the general court for the territory north-west of the river Ohio shall be held in the following manner, viz. In the county of Knox on the first Tuesday in May yearly and every year. In the

\* This, and the following laws, to c. 23, inclusive, were 'passed,' by governor St. Clair and judges Symmes and Turner.

# OKLAHOMA





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**Chap. 25.** viction, the party offending shall on conviction be fined<sup>1</sup> not less than fifty dollars nor more than two hundred and fifty dollars or be imprisoned in the county jail not less than thirty days nor more than three months or both, at the discretion of the court.

Public build-  
ings and gather-  
ings.

(2438) § 7. It shall be unlawful for any person, except a peace officer, to carry into any church or religious assembly, any school room or other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ball room, or to any social party or social gathering, or to any election, or to any place where intoxicating liquors are sold, or to any political convention, or to any other public assembly, any of the weapons designated in sections one and two of this article.

Intent of per-  
sons carrying  
weapons.

(2439) § 8. It shall be unlawful for any person in this Territory to carry or wear any deadly weapons or dangerous instrument whatsoever, openly or secretly, with the intent or for the avowed purpose of injuring his fellow man.

Pointing  
weapons at an-  
other.

(2440) § 9. It shall be unlawful for any person to point any pistol or any other deadly weapon whether loaded or not, at any other person or persons either in anger or otherwise.

Violation of  
section seven.

(2441) § 10. Any person violating the provisions of section seven, eight or nine of this article; shall on conviction, be punished by a fine of not less than fifty dollars, nor more than five hundred and shall be imprisoned in the county jail for not less than three not more than twelve months.

ARTICLE 48.—FALSE PERSONATION AND CHEATS.

SECTION.

1. False impersonation, punishment for.
2. False impersonation and receiving money.
3. Personating officers and others.
4. Unlawful wearing of grand army badge.
5. Fines, how paid.
6. Obtaining property under false pretenses.

SECTION.

7. False representation of charitable purposes.
8. Falsely representing banking corporations.
9. Using false check.
10. Holding mock auction.

Punishment  
for false imper-  
sonation.

(2442) § 1. Every person who falsely personates another, and in such assumed character, either:

First. Marries or pretends to marry, or to sustain the marriage relation toward another, with or without the connivance of such other person; or,

Second. Becomes bail or surety for any party, in any proceeding whatever, before any court or officer authorized to take such bail or surety; or,

Third. Subscribes, verifies, publishes, acknowledges or proves, in the name of another person, any written instrument, with intent that the same may be delivered or used as true; or,

Fourth. Does any other act whereby, if it were done by the person falsely personated, he might in any event become liable to any suit or prosecution, or to pay any sum of money, or to incur any charge, forfeiture or penalty, or whereby any benefit might accrue to the party personating, or to any other person.

# OREGON



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

Section 2. The county court of Multnomah county, Oregon, shall procure or cause to be procured properly attested copies of the records of Clackamas county, Oregon, affecting the title to real estate situated in the territory described in section one of this act, and have the same recorded in the records of Multnomah county, Oregon, and thereafter such records shall be recognized and become a part of the official records of said Multnomah county, Oregon.

Filed in the office of the secretary of state, February 20, 1893.

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AN ACT

[ s. B. 15.]

To Prevent a Person from Trespassing upon any Enclosed Premises or Lands not His Own Being Armed with a Gun, Pistol, or other Firearm, and to Prevent Shooting upon or from the Public Highway.

*Be it enacted by the Legislative Assembly of the State of Oregon:*

Section 1. It shall be unlawful for any person, other than an officer on lawful business, being armed with a gun, pistol, or other firearm, to go or trespass upon any enclosed premises or lands without the consent of the owner or possessor thereof.

Section 2. It shall be unlawful for any person to shoot upon or from the public highways.

Section 3. It shall be unlawful for any person, being armed with a gun or other firearm, to cause, permit, or suffer any dog, accompanying such person, to go or enter upon any enclosed premises without the consent of the owner or possessor thereof; *provided*; that this section shall not apply to dogs in pursuit of deer or var-mints.

Section 4. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than fifteen dollars nor more than fifty dollars, and in default of the payment of the fine imposed shall be committed to the county jail of the county in which the offense is committed, one day for every two dollars of the said fine.

Section 5. Justices of the peace for the proper county shall have jurisdiction of the trial of offenses herein defined.

Filed in the office of the secretary of state, February 20, 1893.

# **PENNSYLVANIA**

THE

# Statutes at Large

OF

# PENNSYLVANIA

*Legis.*

FROM

1682 to 1801

COMPILED UNDER THE

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VOLUME II

1700 to 1712

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CLARENCE M BUSCH

STATE PRINTER OF PENNSYLVANIA

1896

US 16518.1.60

<sup>✓</sup>  
~~Pa 126.5~~  
~~12397.34~~



*Summer term*



3-1-16-11



them from time to time, for the purposes aforesaid, anything herein contained to the contrary notwithstanding.

Passed June 7, 1712. Confirmed by the Queen in Council, February 20, 1713-14. See Appendix III, Section II, and the Acts of Assembly passed February 9, 1750-51, Chapter 389; September 15, 1756, Chapter 411; February 17, 1762, Chapter 479; March 9, 1771, Chapter 636, and March 14, 1777, Chapter 746. Supplied by the Act of March 11, 1789, Chapter 1394.

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## CHAPTER CLXXXVI.

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### AN ACT FOR THE BETTER GOVERNMENT OF THE CITY OF PHILADELPHIA.

For the better government of the said city:

[Section I.] Be it enacted by Charles Gookin, Esquire, by the Queen's royal approbation, Lieutenant-Governor under William Penn, Esquire, absolute Proprietary and Governor-in-Chief of the Province of Pennsylvania, by and with the advice and consent of the freemen of the said Province, in General Assembly met, and by authority of the same, That the common carters thereof shall assist with their carts and teams four days in every year (if thereunto required by the mayor) in repairing the streets, wharves and highways of the said city and precincts thereof, under the penalty of ten shillings per day in the case of non-performance.

And that any person riding a gallop in the built part of the streets of the said city, shall forfeit and pay for every offense five shillings.

And that any person trotting with their teams or drays, in the streets aforesaid, shall forfeit and pay for every offense ten shillings.

And that no person inhabiting the said city, keeping either dog or bitch, shall suffer the same to go at large after the fifteenth day of November next, under the penalty and forfeiture of five shillings for every offense, and such dogs liable to be killed by order of the magistrate.

And that any constable refusing or neglecting his duty to watch, shall forfeit and pay for every offense ten shillings. And every other person refusing or neglecting their duty therein, shall forfeit and pay two shillings and six pence for every offense.

And that no person shall obstruct or annoy the streets of the said city with rubbish, filth or otherwise, under the penalty of forfeiting five shillings for every offense, unless the same be removed within twenty-four hours after notice given; whereof the constables in their respective wards are required to give notice to the next magistrate, under the penalty of paying one shilling for every omission or neglect.

And that no master or commander of any merchant ship or vessel shall fire, or suffer to be fired, on board his vessel, any ordnance or other gun after eight o'clock in the evening, nor before daylight in the morning, without license from the governor first had, under the penalty of ten shillings for every offense. Nor shall any person presume to fire any gun, guns or small arms within the built part of the said city, without special license from the governor, or some magistrate of the said city for so doing, under the penalty of two shillings and six pence for every offense.

And if any negro be found in any of the before-recited disorderly practices or other misbehaviors, any one justice may commit such negro to prison, or cause them forthwith to be whipped, not exceeding twenty-one lashes for any one offense.

Which fines and forfeitures respectively, shall be forthwith paid by the person or persons offending, upon due proof made by one or more credible evidence before the mayor or any one magistrate of the said city, otherwise the offender's body shall be committed to prison, there to remain without bail or main-prize until the same be fully satisfied and paid.

[Section II.] And be it further enacted by the authority aforesaid, That the mayor and commonalty of the said city shall have full power to employ the poor thereof, and to compel vagrants to labor; and shall regulate the shambles, recover and receive the market stall-rents of all persons using the same; and

wharfage of such as use the public wharves of this city (the inhabitants of this province excepted).

And for the easier recovery of small debts and settling a more regular course of proceeding in the execution of a law of this province, entitled "An act for determining debts under forty shillings,"<sup>1</sup> the mayor or any one magistrate, with the recorder of the said city, may hold a court twice in every month or oftener if need be, and shall have full power to determine all debts not exceeding forty shillings.

Provided always, That the whole charges of proceedings in the said courts shall not exceed the fees by law allowed in such cases.

Passed June 7, 1712. Repealed by the Queen in Council, February 20, 1713-14. See Appendix III, Section II, and the Acts of Assembly passed May 28, 1715, Chapter 211; August 26, 1721, Chapter 245; August 19, 1749, Chapter 379; March 14, 1761, Chapter 459, and March 26, 1762, Chapter 480.

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## CHAPTER CLXXXVII.

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### AN ACT CONCERNING THE REGISTER-GENERAL'S OFFICE.

Whereas by a law of this province made in the year one thousand seven hundred and five, entitled "An Act concerning the probates of written and nuncupative wills, and for confirming devises of land,"<sup>2</sup> it is amongst other things enacted that there should be an officer called register-general, to be commissioned by the governor from time to time, for the probate of wills and granting letters of administration in this province; which register-general should keep his office at Philadelphia and should from time to time constitute a sufficient deputy to officiate for him in each of the other counties of this province; but inasmuch as no register has been commissioned and deputies constituted in each county, as the said act directs:

[Section I.] Be it, therefore, enacted by Charles Gookin, Esquire, by the Queen's royal approbation, Lieutenant-Governor

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<sup>1</sup> See Chapters 36 and 130.

<sup>2</sup> See Chapter 133.



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VOLUME III

1712 to 1724

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STATE PRINTER OF PENNSYLVANIA  
1896



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

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

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

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## CHAPTER CCXLVI.

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

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

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

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

And for the better conviction of offenders against this act:

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

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

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

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



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

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

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

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

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

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CHAPTER CCXLVII.

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

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

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



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1750. shall at any time or times hereafter be levied or suffered within the said province, duly, and according to the common or statute laws of England, either in the supreme court of judicature within the said province, or in any of the county courts for holding of pleas, within the said province respectively, in which the houses, lands, tenements, or hereditaments entailed, do or shall lay, shall be and are hereby declared to be of like force and effect, to all intents, constructions and purposes, for barring estates so entailed, as fines and common recoveries, by the laws of England aforesaid, there levied or suffered, of lands, tenements, and estates, entailed within that realm, are received, declared, or enacted to be.

Remedy  
for writ of  
error.

II. *Provided always*, That it shall and may be lawful for any person or persons, either by appeal or writ of error, as the case may require, to seek and obtain redress against any error or errors which have happened, or may happen, in any such proceedings.

Passed 27th January, 1750.—1 Sm. L. p. 203.

1751.

### CHAPTER XLII.\*

AN ACT FOR THE MORE EFFECTUAL PREVENTING ACCIDENTS WHICH MAY HAPPEN BY FIRE, AND FOR SUPPRESSING IDLENESS, DRUNKENNESS, AND OTHER DEBAUCHERIES.

Former  
Laws  
against fir-  
ing chim-  
nies, guns,  
fire-works,  
&c. extend-  
ed.

To the end the provisions already made by our laws, for preventing accidents which may happen by fire in the city of Philadelphia, and several other boroughs and towns, within this province, may be made more generally useful, and to prevent, as much as in us lies, the growing sins of idleness, drunkenness, and other debaucheries, too frequent among us, *Be it enacted*, that if any person or persons whatsoever, within any county town, or within any other town or borough, in this province, already built and settled, or hereafter to be built and settled, not hitherto restricted nor provided for by our laws, shall set on fire their chimnies to cleanse them, or shall suffer them or any of them to take fire, and blaze out at the top, or shall fire any gun or other fire-arm, or shall make, or cause to be made, or sell or utter, or offer to expose to sale, any squibs, rockets or other fire-works, or shall cast, throw or fire any squibs, rockets or other fire-works, within any of the said towns or boroughs, without the governor's special license for the same, every such person or persons, so offending, shall be subject to the like penalties and forfeitures, and to be recovered in like manner, as in and by an act, passed in the eighth year of the reign of king George the first, entitled, An act for preventing accidents that may happen by fire, are directed to be levied and recovered.

Passed 9th February, 1751.—1 Sm. L. p. 208.

## ACTS OF THE GENERAL ASSEMBLY OF PENNSYLVANIA.

JAMES HAMILTON, LIEUTENANT GOVERNOR.

*Passed at a Session which commenced October 14th, 1751, and ended August 18th, 1752.*

1752.

### CHAPTER XLIII.

AN ACT FOR REGULATING ATTACHMENTS NOT EXCEEDING FIVE POUNDS.<sup>1</sup>

I. [Relating to the absconding, &c. of the debtor, and of the oath, is omitted, as supplied according to *Jewell v. Howe*, 3 Watts, 144, by the 4 December, 1807.]

(1) The old act, 12 W. III. Brad. Ed. 28, and the act of 1705. 1 Sm. 45, and the 2 Mar. 1823; 9 Geo. I. ch. 23; 1 Sm. 158, are expressly or impliedly repealed.

As the act of 1836 provides only for attachments by writ, and as the 4 Dec. 1807, § 15, extending the jurisdiction of justices is ambiguous, this act has been retained when not supplied by the latter.



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1752. see cause, any law of this government to the contrary in any wise notwithstanding. And if after the expiration of three months as aforesaid, the debtor shall not appear and redeem them, on notice thereof given to the justice of the peace, he shall forthwith order and direct the said freeholders to make sale thereof; and out of the money arising therefrom, and all other money then in their hands, from any part of the defendant's estate arising, reasonable charges first deducted, to make payment to the creditors, who shall appear and make proof of their debts within the said three months, in proportion to their respective debts; and the overplus, if any, to be returned to the owner: But before any such sale is made, the freeholders aforesaid shall give at least ten days notice thereof, by advertising in the most public places the time and place of such sale. And that the constable shall receive two<sup>t</sup> shillings for serving an attachment, and three shillings for serving an execution, and no more.

Ten days before sale public notice to be given thereof.

VI. The freeholders aforesaid, within six days next after making sale and distribution, as is herein before directed, shall render a true account of their proceedings to the justice of the peace, who granted the attachment, to be by him kept as a record of their proceedings therein.

VII. [Repeals former act.]

Passed 22d August, 1752.—1 Sm. L. p. 218.

## ACTS OF THE GENERAL ASSEMBLY OF PENNSYLVANIA.

JAMES HAMILTON, LIEUTENANT GOVERNOR.

*Passed at a Session which commenced October 15th, 1759, and ended April 21st, 1760.*

1760.

### CHAPTER XLIV.

AN ACT TO PREVENT THE HUNTING OF DEER, AND OTHER WILD BEASTS, BEYOND THE LIMITS OF THE LANDS PURCHASED OF THE INDIANS BY THE PROPRIETARIES OF THIS PROVINCE, AND AGAINST KILLING DEER OUT OF SEASON.

I. [Relating to hunting on Indian lands, is obsolete.]

Constables to present offences against this act.

II. The constable of each respective township, in every county of this province, having any knowledge of any offences against this act, shall, and he is hereby required, under the penalty of five pounds, to present, on oath, or affirmation, every such offence to some one justice of the peace of their respective counties, or before the justices of the general quarter sessions of the peace for the same county, together with the name or names of all such offenders, that they may be tried, agreeable to the directions of this act.

Forfeitures on persons hunting, except in the time limited by this act.

III. If any person or persons shall, after the publication of this act, hunt, chase or follow, with a design to kill, or shall kill or destroy, any buck, doe or fawn, within the lands already, or hereafter to be purchased of the Indians, at any other time or season, excepting only between the first day of the month of August and the first day of the month of January, and shall be lawfully convicted thereof, by the oaths or affirmations of one or more credible witnesses, or the confession of the party, before one or more justices of the peace for the respective county where such offence shall be

(1) These fees are no longer payable since the fee bills of 1814 and 1821. 7 S. & R. 448; Bussier v. Pray.

committed, he or they shall forfeit and pay the sum of three pounds for every such offence, to the uses aforesaid; provided such conviction be made within six months after such offence committed. 1760.

IV. And for the more certain convicting of offenders against this act, every person, in whose custody shall be found, or who shall expose to sale, any green deer skins, fresh venison, or deer's flesh, at any other time of the year than what is before excepted, such green deer skins, fresh venison, or deer's flesh shall be deemed and taken as evidence of the guilt of the person, in whose custody the same shall be found. Manner of convicting offenders.

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

VI. And whereas divers abuses, damages and inconveniences, have arisen by persons carrying guns, and presuming<sup>1</sup> to hunt on other people's lands: For remedy whereof, for the future, If any person or persons shall presume, at any time after the publication of this act, to carry any gun, or hunt on any<sup>2</sup> inclosed or improved lands of any of the inhabitants of this province, other than his own, unless he shall have license or permission from the owner of such lands, or shall presume to fire a gun on or near any of the king's highways, and shall be thereof convicted, either upon view of any justice of the peace within this province, or by the oath or affirmation of any one or more witnesses, before any justice of the peace, he shall, for every such offence, forfeit the sum of forty shillings. Penalty on persons hunting upon other lands than their own.

VII. No person whatsoever shall presume to shoot at, or kill with a firearm, any pigeon, dove, partridge, or other fowl, in the open streets of the city of Philadelphia, or in the gardens, orchards and inclosures, adjoining upon, and belonging to any of the dwelling-houses within the limits of the said city, or suburbs thereof, or any of the boroughs or towns within this province, upon the forfeiture of forty shillings for every such offence, to be convicted in manner aforesaid. No person to shoot pigeons, &c. in the streets of Philadelphia, &c.

VIII. If any person or persons shall hunt or kill any kind of game on the sabbath-day, and shall be convicted thereof in manner last aforesaid, every such offender shall forfeit and pay the sum of forty shillings for every such offence. Nor to kill any game on the sabbath-day.

IX. All which penalties and forfeitures, not herein before appropriated, shall be paid, one moiety thereof to the informer, and the other to the overseers of the poor of the township where such offence is committed, for the use of the poor of the said township; but if convicted upon view of a justice of the peace, the whole forfeiture shall be paid to the overseers of the poor of the said township, for the use of the poor of said township; and if the offender refuse to pay, the same shall be levied by distress and sale of the offender's goods, by warrant, under the hand and seal of the justice before whom such offender shall be convicted, returning the overplus, if any, to the owner, the charge of distraining being first deducted; and for want of such distress, he shall be committed to prison, where the forfeiture is three pounds, for the space of thirty days; and where the forfeiture is forty shillings, for the space of twenty days, without bail or mainprize; and if such offender be a negro, or mulatto slave, he shall, instead of such imprisonment, be publicly whipped, at the direction of the magistrate, not exceeding thirty-one lashes, unless the master or mistress of such slave shall pay the fine or fines hereby inflicted. Manner of appropriating forfeitures, &c.

X. [Repealing former acts.]

Passed 9th April, 1760.—1 Sm. L. p. 227.

(1) The right of hunting and fowling at seasonable times on all lands not inclosed, and to fish in all boatable waters, and others not private property, was secured to the inhabitants of the state by the 43d section of the Constitution of 1776. 1 Dal. ed. App. 60.

(2) See the act of the 7th of March, 1821. 7 Sm. L. 386, against hunting on the inclosed grounds in the counties of Philadelphia and Delaware.



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# ACTS

OF THE

## General Assembly of Pennsylvania,

Passed at a Session which commenced October 15th, 1759,  
and ended April 21st, 1760.

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JAMES HAMILTON, LIEUTENANT GOVERNOR.

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1760.

### CHAPTER CCCCLIV.

*An ACT to enable the owners and possessors of the meadow at Point-no-Point, in the precinct of Richmond, in the county of Philadelphia, to keep the banks, dams, sluices and flood-gates in repair, and to raise a fund to defray the expense thereof.*

Passed 12th April, 1760.—Private Act.—Recorded A. vol. IV. page 182.

[The title sufficiently explains the subject matter of this act.]

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### CHAPTER CCCCLV.

*An ACT to enable the owners of Greenwich island to embank and drain the same, to keep the outside banks and dams in good repair for ever, and to raise a fund to defray sundry contingent and yearly expenses accruing thereon.*

Passed 12th April, 1760.—Private Act.—Recorded A. vol. IV. page 171.

[The subject matter fully explained by the title.]

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### CHAPTER CCCCLVI.

*An ACT to prevent the hunting of deer, and other wild beasts, beyond the limits of the lands purchased of the Indians by the Proprietaries of this province, and against killing deer out of season.*

[WHEREAS many disorderly people have made it a practice of hunting on the lands not yet purchased of the Indians, to their

1760.

Penalty on persons hunting on Indian lands, not purchased by the Proprietaries, &c. [All the land in the State being now purchased of the Indians, this section is obsolete.]

Constables to present offences against this act.

Forfeitures on persons hunting, except in the time limited by this act.

Manner of convicting offenders.

great damage and dissatisfaction, which may be attended with fatal consequences to the peace and welfare of this province, by destroying that union and harmony, which this government has lately restored and concluded with the Indians, at a very great expense: And whereas many of the industrious inhabitants, on the frontiers of this province, are thereby discouraged from returning and settling upon the plantations, which they were obliged to leave and evacuate during the late Indian incursions: Therefore to remedy the great mischiefs which may ensue from the continuance of this evil practice, *Be it enacted*, That if any person or persons whatsoever, either singly, or in companies, after the passing of this act, shall presume to hunt, chase or follow any deer, buck, doe, fawn, or any other wild beast, wild fowl, or game, whatsoever, or shall set traps for beaver, or other beasts, without the limits of the lands purchased of the Indians by the Proprietaries of this province, such person or persons, so offending, and being thereof legally convicted, in any Court of Quarter Sessions of the county where such offender shall be apprehended (in which said court the same offence is hereby made cognizable,) by the oath or affirmation of one or more witnesses, or by the confession of the party, every person, so offending, shall forfeit and pay, for every such offence, the sum of fifty pounds, or suffer twelve months imprisonment, without bail or mainprize; one moiety of the above fine shall be paid to the prosecutor, and the other moiety to the Overseers of the Poor of the township where such offender shall reside, for the use of the poor of the said township, if resident within this province; if otherwise, where he shall be apprehended.]

II. *And be it further enacted*, That the constable of each respective township, in every county of this province, having any knowledge of any offences against this act, shall, and he is hereby required, under the penalty of five pounds, to present, on oath or affirmation, every such offence to some one Justice of the Peace of their respective counties, or before the Justices of the General Quarter Sessions of the Peace for the same county, together with the name or names of all such offenders, that they may be tried, agreeable to the directions of this act.

III. *And be it further enacted*, That if any person or persons shall, after the publication of this act, hunt, chase or follow, with a design to kill, or shall kill or destroy, any buck, doe or fawn, within the lands already, or hereafter to be purchased of the Indians, at any other time or season, excepting only between the first day of the month of August and the first day of the month of January, and shall be lawfully convicted thereof, by the oaths or affirmations of one or more credible witnesses, or the confession of the party, before one or more Justices of the Peace for the respective county, where such offence shall be committed, he or they shall forfeit and pay the sum of three pounds for every such offence, to the uses aforesaid; provided such conviction be made within six months after such offence committed.

IV. *And for the more certain convicting of offenders against this act*, *Be it further enacted*, That every person, in whose custody shall be found, or who shall expose to sale, any green deer skins,

fresh venison, or deer's flesh, at any other time of the year than what is before excepted, such green deer skins, fresh venison, or deer's flesh, shall be deemed and taken as evidence of the guilt of the person, in whose custody the same shall be found. 1760.

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

VI. And whereas divers abuses, damages and inconveniences, have arisen by persons carrying, guns and presuming to hunt on other people's lands: For remedy whereof, for the future, *Be it enacted*, That if any person or persons shall presume, at any time after the publication of this act, to carry any gun, or hunt on any inclosed or improved lands of any of the inhabitants of this province, other than his own, unless he shall have licence or permission from the owner of such lands, or shall presume to fire a gun on or near any of the king's highways, and shall be thereof convicted, either upon view of any Justice of the Peace within this province, or by the oath or affirmation of any one or more witnesses, before any Justice of the Peace, he shall, for every such offence, forfeit the sum of forty shillings. Penalty on persons hunting up on other lands than their own.

VII. *And be it further enacted*, That no person whatsoever shall presume to shoot at, or kill with a fire-arm, any pidgeon, dove, partridge, or other fowl, in the open streets of the city of Philadelphia, or in the gardens, orchards and inclosures, adjoining upon, and belonging to any of the dwelling-houses within the limits of the said city, or suburbs thereof, or any of the boroughs or towns within this province, upon the forfeiture of forty shillings for every such offence, to be convicted in manner aforesaid. No person to shoot pidgeons, &c. in the streets of Philadelphia, &c.

VIII. *And be it further enacted*, That if any person or persons shall hunt or kill any kind of game on the Sabbath-day, and shall be convicted thereof in manner last aforesaid, every such offender shall forfeit and pay the sum of forty shillings for every such offence. Nor to kill any game on the sabbath-day.

IX. All which penalties and forfeitures, not herein before appropriated, shall be paid, one moiety thereof to the informer, and the other to the overseers of the poor of the township where such offence is committed, for the use of the poor of the said township; but if convicted upon view of a Justice of the Peace, the whole forfeiture shall be paid to the overseers of the poor of the said township, for the use of the poor of said township; and if the offender refuse to pay, the same shall be levied by distress and sale of the offender's goods, by warrant, under the hand and seal of the Justice before whom such offender shall be convicted, returning the overplus, if any, to the owner, the charge of distraining being first deducted; and for want of such distress, he shall be committed to prison, where the forfeiture is three pounds, for the space of thirty days; and where the forfeiture is forty shillings, for the space of twenty days, without bail or mainprize; and if such offender be a negro, or mulatto slave, he shall, instead of such imprisonment, be publicly whipped, at the direction of the magistrate, not exceeding Manner of appropriating forfeitures, &c.

1760. thirty-one lashes, unless the master or mistress of such slave shall pay the fine or fines hereby inflicted.

Repeal of  
former acts.

\*Chap. 246.

†Chap. 223.

‡Chap. 283.

X. *And be it enacted, That the act entitled An act to prevent the killing of deer out of season, and against carrying of guns and hunting by persons not qualified,\* and the act, entitled a supplement to the law, entitled an act to prevent the killing of deer out of season, and against carrying of guns and hunting by persons not qualified;† and an act, entitled, An act for amending the laws of this province against killing of deer out of season,‡ and every article, clause and thing, in the said acts, and each and every of them, contained, shall be and hereby are declared to be repealed, null and void, to all intents and purposes whatsoever.*

Passed 9th April, 1760.—Recorded A. vol. IV. page 192

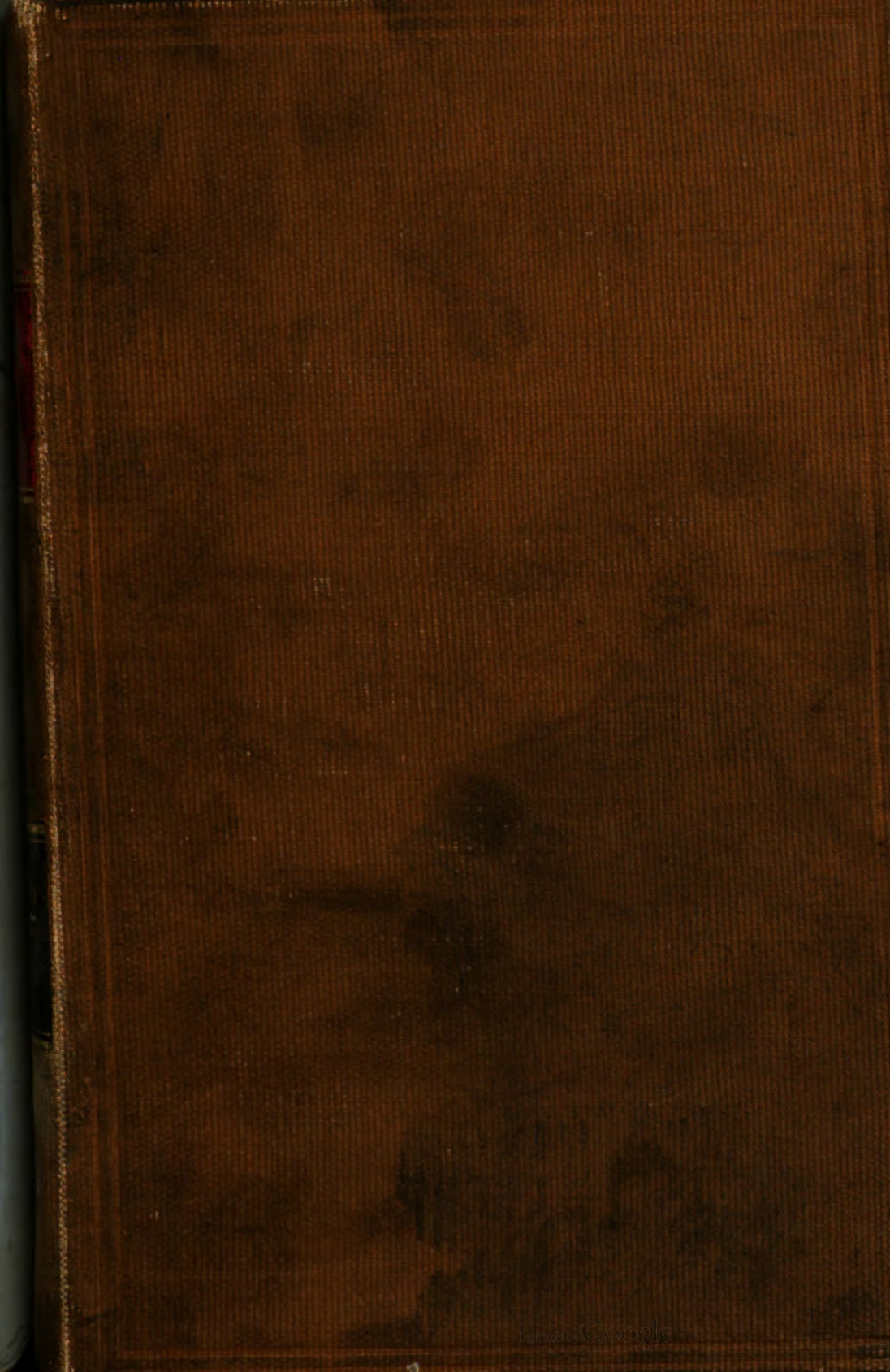
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Philadelphia. Ordinances, etc.

Ordinances of the corporation of the  
city of Philadelphia;

To which are prefixed  
the original charter,  
the Act of incorporation,  
and other acts of Assembly relating  
to the city;  
with an appendix,  
containing the regulation of the bank  
of the river Delaware,  
the portraiture of the city, as originally  
laid out by the proprietor, &c. &c.

Published under the authority  
of the councils.

With notes and references,  
by John C. Lowber.

Philadelphia  
Published by Moses Thomas  
no. 52, Chestnut-street.  
J. Maxwell, printer  
1812

6586  
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## ADVERTISEMENT.

THE unexpected delay in the publication of this volume has afforded the editor an opportunity of inserting a number of late and very important ordinances, which it could not otherwise have embraced.

For the "Portraiture of the City," in the Appendix, the editor is indebted to Dr. George Logan, of Stenton, who is in possession of the original plate, from which the impression was taken. He has also to acknowledge the liberal assistance which he has received, in the compilation of the volume, from several gentlemen, whose exertions have contributed in a high degree to the ornament of the city, and to the improvement of its police.

*August 6th, 1812.*

A.T  
L.C. C  
P544a

JAN 3 1952

## NUMBER V.

1760.

[1 *Dall. St. Laws*, p. 392. 1 *Smith*, p. 227.]

No person  
to shoot  
pidgeons,  
&c. in the  
street, &c.

VII. *AND* be it further enacted, That no person whatsoever shall presume to shoot at, or kill with a fire arm, any pidgeon, dove, patridge, or other fowl, in the open streets of the city of Philadelphia, or in the gardens, orchards and inclosures, adjoining upon and belonging to any of the dwelling-houses within the limits of the said city, or suburbs thereof, or any of the boroughs or towns within this province, upon the forfeiture of forty shillings for every such offence, to be convicted in manner aforesaid. (*k*)

*Passed April 9th, 1760.*

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 NUMBER VI.

1762. *An Act for vesting the State-House, and other public buildings, with the lots of ground whereon the same are erected, together with other lots, situate in the city of Philadelphia, in trustees, for the uses therein particularly mentioned. (l)*

[1 *Dall. St. Laws*, p. 413. 1 *Smith*, p. 244.]

III. *AND* whereas two certain lots of ground, situate and lying in the said city of Philadelphia, being parts and parcels of the said lot of ground before described; one of them beginning at a corner on the east side of Sixth-street, and on the south side of Chesnut-street, and extending thence by the said Chesnut-street fifty feet to a corner; thence south fifteen

(*k*) That is, upon the view of any justice of the peace, or by the oath or affirmation of any one or more witnesses, before any justice of the peace. The penalty, in the latter case, to be one half to the informer, and the other to the overseers of the poor; in the former case, the whole, to the overseers of the poor; to be levied by distress of the offender's goods, and for want of such distress, the offender to be imprisoned twenty days. See sections 6 and 9 of the act.

(*l*) By an act of February 28th, 1780, sec. 2, [1 *Dall. St. Laws*, 829] the lots mentioned in the act in the text, were *inter alia*, vested in the commonwealth, subject to the same uses to which they were before limited. The terms expressed in the text, having been afterwards complied with, the legislature, by an act of April 8th, 1785, sec. 3, [2 *Dall. St. Laws*, 322] vested the said lots, in the commissioners of the county, and the wardens of the city of Philadelphia, respectively, for the same uses.

The O'



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the back thereof the day of the month and year, whereon he or they received the same. 1772.

V. [Relating to the construction of a repealed act of 4 Anne, is omitted.]  
Passed 21st March, 1772.—1 Sm. L. p. 389.

## ACTS OF THE GENERAL ASSEMBLY OF PENNSYLVANIA.

JOHN PENN, LIEUTENANT GOVERNOR.

*Passed at a Session which commenced October 14th, 1774, and ended March 18th, 1775.*

### CHAPTER LVII.

1774.

AN ACT TO SUPPRESS THE DISORDERLY PRACTICE OF FIRING GUNS, ETC. ON THE TIMES THEREIN MENTIONED.

Whereas a disorderly practice prevails in many parts of this province, of firing guns at or near new-year's day, which is frequently attended with much mischief, and greatly disturbs the public peace: For remedy whereof for the future, *Be it enacted*, That if, after the publication of this act, any person or persons shall, on any thirty-first day of December, or first or second day of January, in every year, wantonly, and without any reasonable occasion, discharge and fire off any hand-gun, pistol or other fire-arms, or shall cast, or fire any squibs, rockets or other fire-works, within the inhabited parts of this province, to the disturbance of any of his majesty's subjects there inhabiting and being, every such person so offending, and being thereof convicted before any one justice of the peace of the county, or mayor or other head officer, a justice of peace of any city or town corporate, where such offence shall be committed, either by confession of the party so offending, or the oath or affirmation of one or more credible witness (which oath or affirmation the said justice or other officer aforesaid is hereby empowered and required to administer) shall for every such offence forfeit, for the use of the poor of the township or district where such offender lives, the sum of ten shillings, to be levied by distress and sale of the offender's goods and chattels, by warrant, under the hand and seal of the justice or other officer before whom such offenders shall be convicted, returning the overplus, if any, to the owner, the reasonable charge of distress being first deducted; and for want of such distress, such offender shall be committed to prison for the space of five days, without bail or mainprize.

Penalty on persons discharging any gun, &c. on the 31st of December, &c.

II. If any person or persons, after the publication of this act, shall wilfully permit or suffer, within the time aforesaid, any person or persons to discharge or fire off, at his or her house, any hand-gun, pistol, or other fire-arms, or to cast, throw or fire any squibs, rockets, or other fire-works, as aforesaid, every person so as aforesaid offending, and being thereof convicted in manner aforesaid, shall for every such offence forfeit and pay, for the use aforesaid, the sum of twenty shillings, to be recovered in manner aforesaid.

Penalty on householders permitting guns, &c. to be fired off at their houses.

III. The constable of each respective city, borough, township or place, in every county of this province, having any knowledge of any offences against this act, shall, and he is hereby required, under the penalty of twenty shillings, to present, on oath or affirmation, every such offence to one of the next justices of the peace of their respective counties, or before the justices of the general quarter sessions of the peace for the same county, together with the name or names of all such offenders, that they may be tried, agreeable to the directions of this act.

Constables having knowledge of any offences against this act, to present the same on oath or affirmation.

1774. IV. *Provided always*, That if any person shall conceive him or herself aggrieved by the judgment of any such justice, he or she may appeal to the next county court of quarter sessions of the said county, who shall, on the petition of the party, take such order therein, as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

V. *Provided always*, That no person or persons shall be prosecuted or troubled for any offence against this act, unless the same be prosecuted within four months after the offence committed.

Passed 24th December, 1774.—1 Sm. L. p. 421.

## CHAPTER LVIII.

### A SUPPLEMENT TO THE ACT,<sup>1</sup> ENTITLED AN ACT FOR ACKNOWLEDGING AND RECORDING OF DEEDS.

Whereas by the different and secret ways of conveying lands, tenements and hereditaments, such as are ill disposed, have it in their power to commit frauds, by means whereof divers persons may be injured in their purchases and mortgages by prior and secret conveyances, and fraudulent incumbrances: For remedy whereof, *Be it enacted*, That all<sup>2</sup> deeds and conveyances, which, from and after<sup>3</sup> the publication hereof, shall be made and executed within this province, of or concerning any lands, tenements or hereditaments, in this province, or whereby the same may be any way affected in law or equity, shall<sup>4</sup> be acknowledged by one of the grantors or bargainors, or proved<sup>5</sup> by one<sup>6</sup> or more of the subscribing witnesses to such deed, before one of the judges of the supreme court, or before one of the justices of the court of common pleas of the county where<sup>7</sup> the lands conveyed lie, and shall be recorded in the office for recording of deeds in the county where<sup>8</sup> such lands or hereditaments are lying and being, within six months after the execution<sup>9</sup> of such deeds or conveyances; and that every such deed and conveyance, that shall at any time after the publication hereof be made and executed, and which shall not be proved and recorded as aforesaid,<sup>10</sup> shall be adjudged fraudulent, and void against any subsequent pur-

Deeds and conveyances of lands, &c. to be acknowledged or proved before one of the judges of the supreme court, or justices of common pleas, and recorded within six months, &c.

(1) This act is copied from the British act of 7 Anne, ch. 20; 4 Bin. 146. See notes to 28 May, 1715, and 24 February, 1770.

This was the first act requiring absolute conveyances of lands to be recorded. The eighth section of the act of 1715, requiring that no deeds or mortgages should be valid unless recorded, applied only to mortgages. See n. 3, p. 34, to 28 May, 1715; 5 S. & R. 246; 7 Watts, 283.

The 26 March, 1841, requires deeds made before 1775, to be recorded within two years.

(2) Sheriff's deeds are not within this act, as a record is made of them in the common pleas. 1 Dal. 68-9; 6 Watts, 298; 6 Whart. 291; 7 W. & S. 403.

Marriage articles are within this act. 2 Yeates, 259.

So are voluntary conveyances. 1 Rawle, 231.

So articles of agreement and declaration of trust concerning lands. 3 W. & S. 45.

So any agreement of, and concerning lands, although not under seal. 4 Rawle, 440; 3 W. & S. 54, 334.

Although the title to be conveyed is only equitable as by warrant and survey. 4 Bin. 140; 7 Watts, 163, 229; 10 Watts, 13.

But the release of a legacy is not within the act. 4 Rawle, 440; see act of 15 April, 1828.

Nor the assignment of a mortgage, or lien upon land. 4 Rawle, 242.

Nor assignments of personal property. 7 W. & S. 14.

(3) Deeds made before this act are to be governed by the act of 1715. 1 S. & R. 106.

(4) As this act was only intended to protect bona fide purchasers without notice, an unrecorded deed is as valid against all others as if the act had not passed. The validity of the deed is not affected by the omission to record it. 5 Cranch, 33; 1 Dal. 68-9; 5 S. & R. 246; 3 Yeates, 360; 2 Bin. 496.

(5) The person who makes the probate, if of the same name as the subscribing witness, will be presumed to be the same person. The probate omitted to state that the person swearing to the execution of the deed, was the same person who subscribed as a witness. 12 S. & R. 48.

(6) See note 4 to act of 1715, p. 32.

(7) See note 2 to act of 1715, p. 33.

(8) See note 2 to act of 1715, p. 33.

(9) Which is the time of the actual delivery of it to grantee. 4 Yeates, 279.

(10) The record of a deed defectively proved or acknowledged, is not notice to a subsequent purchaser. 2 Bin. 40; 2 Watts, 75; 3 Yeates, 186.

The purchaser, to be protected, must be under the same grantor, and an unrecorded deed of a totally unconnected title is not affected by the act. 2 Bin. 497; 10 Watts, 407; 5 Bin. 497, 502; 7 W. & S. 209; 4 Whart. 265.



ACT of 9th February, 1750-51. 1 Dallas p. 339. 1 Smith p. 208.

3. **SECT. I.** If any person or persons whatsoever, within any county town, or within any other town or borough in this province, already built and settled, or hereafter to be built and settled, not hitherto restricted nor provided for by our laws, shall set on fire their chimneys to cleanse them, or shall suffer them or any of them to take fire, and blaze out at the top, or shall fire any gun or other fire arm, or shall make or cause to be made, or sell or utter, or offer to expose to sale, any squibs, rockets, or other fire works, or shall cast, throw or fire any squibs, rockets, or other fire works, within any of the said towns or boroughs, without the governor's special license for the same, every such person or persons so offending, shall be subject to the like penalties and forfeitures, and to be recovered in like manner, as in and by an act, passed in the eighth year of the reign of king George the first, entitled, 'An act for preventing accidents that may happen by fire,' are directed to be levied and recovered. [*Act of 26th August, 1721, antea, is the act here referred to.*]

ACT of 29th September 1787. 2 Dallas p. 563. 2 Smith p. 434.

4. **SECT. VI.** If the chimney of any person or persons, within the city of Philadelphia, the district of Southwark, or the township of the Northern Liberties, shall take fire and blaze out at the top, the same not having been swept within the space of one calendar month next before the time of taking such fire, every such person or persons shall forfeit and pay the sum of forty shillings; and if any chimney shall take fire, and blaze out at the top, the same having been swept within one calendar month, from the time of taking such fire, the person who swept the same, either by himself, his servants, or negroes, shall forfeit and pay the sum of forty shillings.

ACT of 24th December, 1774. 1 Dallas p. 701. 1 Smith p. 421.

5. **SECT. I.** If any person or persons shall on any thirty-first day of December, or first or second day of January, in every year, wantonly, and without reasonable occasion, discharge and fire off any hand-gun, pistol or other fire arms, or shall cast, throw or fire any squibs, rockets or other fire works, within the inhabited parts of this province, to the disturbance of any of his majesty's subjects there inhabiting and being, every such person so offending, and being thereof convicted before any one justice of the peace of the county, or mayor or other head officer, or justice of the peace of any city or town corporate, where such offence shall be committed, either by confession of the party so offending, or the oath or affirmation of one or more credible witness (which oath or affirmation the said justice or other officer aforesaid, is hereby empowered and required to administer) shall for every such offence forfeit, for the use of the poor of the township or district, where such offender lives, the sum of ten shillings, to be levied by distress and sale of the offenders' goods and chattels, by warrant, under the hand and seal of the justice or other officer, before whom such offenders shall be convicted, returning the overplus, if any, to the owner, the reasonable charge of distraining being first deducted; and for want of such distress, such offender shall be committed to prison for the space of five days, without bail or mainprize.

6. **SECT. II.** If any person or persons shall willingly permit or suffer within the time aforesaid, any person or persons to discharge or fire off at his or her house, any hand-gun, pistol or other fire arms, or to cast, throw or fire any squibs, rockets or other fire works as aforesaid, every person so as aforesaid offending, and being thereof convicted in manner aforesaid, shall for every such offence, forfeit and pay, for the use aforesaid, the sum of twenty shillings, to be recovered in manner aforesaid.

7. **SECT. III.** The constable of each respective city, borough, township or place, in every county of this province, having any knowledge of any offences

(Act of 24th December, 1774.)

against this act, shall, and he is hereby required, under the penalty of twenty shillings, to present on oath or affirmation, every such offence to one of the next justices of the peace of their respective counties, or before the justices of the general quarter sessions of the peace for the same county, together with the name or names of all such offenders, that they may be tried agreeably to the directions of this act.

**SECT. IV. *Provided*,** That if any person shall conceive him or herself aggrieved by the judgment of any such justice, he or she may appeal to the next court of quarter sessions of the said county, who shall on the petition of the party, take such order therein, as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

**SECT. V. *Provided always*,** That no person or persons shall be prosecuted or troubled for an offence against this act, unless the same be prosecuted within four months after the offence committed.

ACT of 18th April, 1794. 3 Dallas p. 506. 3 Smith p. 139.

An Act to prevent the damages which may happen by firing of woods.

Whereas it has been represented that numbers of persons are in the custom of setting fire to the woods for different purposes, thereby producing an extensive conflagration, injurious to the soil, destructive to the timber, and the infant improvements within this state: Therefore,

8. **SECT. II.** Where any person or persons so offending as thereby to occasion any loss, damage or injury to any other person or persons, every such person or persons so offending, shall be and hereby are declared liable to make satisfaction for the same, in any action or actions on the case to be brought by the party or parties grieved, in the court of common pleas of the county in which the offence was committed.

9. **SECT. III.** Where any party is injured, and shall not demand above fifty dollars for his loss or damage, it shall and may be lawful to and for such person or persons to apply to any justice of the peace of the county where the offence is committed, who is hereby empowered and required, by warrant under his hand and seal, to cause the party offending to be brought before him, or some other justice of the peace of the same county; and, if upon examination, it shall appear to the justice, by the testimony of one or more credible witness or witnesses, that the defendant is guilty of the charge exhibited against him, then the said justice shall issue his warrant to two or more freeholders of the neighbourhood, thereby commanding them, in the presence of the defendant, if he will be present, to view the place or thing damaged, or inquire into the loss sustained by the plaintiff, and to certify to the said justice, upon their oath or affirmation, what damage in their judgment the plaintiff hath sustained by occasion of the premises; and upon the return of such certificate to the said justice, he is hereby empowered to grant execution for the recovery of the said damages, together with the costs of prosecution, as is usual in the recovery of debts under ten pounds: *Provided*, That if any person or persons shall apprehend him, her or themselves aggrieved by the determination of any justice of the peace, in consequence of this act, he, she or they shall have a right to appeal from the judgment of the said justice to the next court of common pleas of the proper county.

**SECT. I. and IV.** Repealed *post*.

ACT of 29th March, 1824. Pamph. p. 152.

An Act to prevent the destruction of timber, and supplementary to 'An Act to prevent the damages which may happen by firing woods,' passed 18th April, 1794.

**SECT. I. II. III.** See Timber.



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CHAPTER LIII.

*AN ACT*

More effectually to restrain gunners, and for other purposes:

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, if any

No person to hunt or fire a gun on any enclosed land in Philadelphia or Delaware counties, &c.

person or persons shall presume to hunt on any enclosed or improved lands, of any of the inhabitants of the counties of Philadelphia or Delaware, unless he or they shall have permission from the owner, occupier or tenant of such lands, or shall presume to fire a gun thereon, after being warned off by the owner or persons in his employ, or shall wilfully commit any injury to the orchard, garden, nursery, ground, crops, vegetables, plants, land or other matter or thing growing, or being thereon, or to or upon real or personal property of any nature or kind soever, every person so offending being thereof convicted, shall be liable to a penalty not exceeding ten dollars and the costs of conviction, and in default of payment to be committed to jail for any time not exceeding ten days.

Penalty.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any constable or constables of the county of Philadelphia, to apprehend the person or persons so offending within the said county, and take him or them without a warrant, before the nearest justice of the peace, within the township or district where the offence may have been committed, for the purpose of being dealt with according to the provisions of the first section of this act: *Provided,* That the whole amount of the penalty incurred by this act, in the county of Philadelphia, shall be paid to the overseers of the poor of the township where the offence has been committed, for the use of the poor of said township: *And provided also,* That the penalty incurred by the first section of this act, in the county of Delaware, shall be paid for the use of the poor of said county.

Duties of the constable or constables, &c.

Proviso.

2d proviso.

JOHN GILMORE, *Speaker*  
*of the House of Representatives.*

WILLIAM MARKS, Junior,  
*Speaker of the Senate.*

APPROVED—March the seventh, one thousand eight hundred and twenty-one.

JOSEPH HIESTER,



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CHAPTER LIII.

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person or persons shall presume to hunt on any enclosed or improved lands, of any of the inhabitants of the counties of Philadelphia or Delaware, unless he or they shall have permission from the owner, occupier or tenant of such lands, or shall presume to fire a gun thereon, after being warned off by the owner or persons in his employ, or shall wilfully commit any injury to the orchard, garden, nursery, ground, crops, vegetables, plants, land or other matter or thing growing, or being thereon, or to or upon real or personal property of any nature or kind soever, every person so offending being thereof convicted, shall be liable to a penalty not exceeding ten dollars and the costs of conviction, and in default of payment to be committed to jail for any time not exceeding ten days.

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Duties of the constable or constables, &c.

Proviso.

2d proviso.

JOHN GILMORE, *Speaker*  
*of the House of Representatives.*

WILLIAM MARKS, Junior,  
*Speaker of the Senate.*

APPROVED—March the seventh, one thousand eight hundred and twenty-one.

JOSEPH HIESTER,





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(Act of 6th February, 1730-31.)

whose name or names the said lands for erecting churches, houses of religious worship, schools, alms houses, or burying grounds, within this province, were purchased, taken or accepted, or the heirs or assigns of such trustees, shall be, and are hereby declared to be for the sole use, benefit and behoof of the said respective societies, who have been in the peaceable possession of the same for the space of twenty-one years next before the tenth day of June, in the year of our Lord one thousand seven hundred and thirty, or for whose use the same were at first given, granted, or devised, and no other.

3. **SECT. III.** It shall and may be lawful to and for any religious society of Protestants, within this province, to purchase, take and receive, by gift, grant, or otherwise, for burying grounds, erecting churches, houses of religious worship, schools and alms houses, for any estate whatsoever, and to hold the same for the uses aforesaid, of the lord of the fee, by the accustomed rents.)

4. **SECT. IV.** *Provided always,* That nothing in this act contained shall be deemed, taken, or construed to enable any of the said religious societies or people, or any person or persons whatsoever, in trust for them, or to their use, to purchase, take or receive any lands or tenements, by gift, grant or otherwise, for or towards the maintenance or support of the said churches, houses of worship, schools or alms houses, or the people belonging to the same, or for any other use or purpose, save for the uses in this act before mentioned.

ACT of 2d April, 1822. 7 Smith, p. 650.

An Act to prevent the disturbance of meetings held for the purpose of religious worship.

5. **SECT. I.** From and after the passing of this act, it shall not be lawful for any person or persons to erect, place, or have any booth, stall, tent, carriage, boat or vessel, or any other place whatever for the purpose or use of selling, giving, or otherwise disposing of any kind of articles of traffic, spirituous liquors, wine, porter, beer, cider, or any other fermented, mixed or strong drink, (excepting as hereinafter excepted) within three miles of any place of religious worship in this state during the time of holding any meeting for religious worship at such place.

6. **SECT. II.** If any person or persons shall or do violate this act by erecting, fixing, or having any booth, stall, tent, carriage, boat or vessel, or other place for the purpose or use aforesaid, or by selling, bartering, giving, or otherwise disposing of any kind of articles of traffic, spirituous liquors, wine, porter, beer, cider or other fermented, mixed or strong drink, in, at or about any such booth, stall, tent, carriage, boat or vessel, or any other place whatever, prepared or used for the purpose aforesaid, within three miles of any place of religious worship, during the time of holding any meeting for religious worship at such place, the person or persons so offending, shall first be informed of his, her, or their violation of this act, and shall be warned by any justice of the peace, constable or two freeholders of the county where the offence is, or shall have been committed, to desist from such offence, and to remove such booth, stall, tent, carriage, boat, vessel, or other thing, together with all such articles of traffic, spirituous liquors, wine, porter, beer, cider or other strong drink, belonging to or in the possession of the person or persons so offending, and if such person or persons, on receiving such information and warning, shall forthwith cease to offend against this act, and shall remove as aforesaid at least three miles from such place of religious worship, then no further proceedings under this act shall be had against such person or persons; but if such person or persons shall refuse or neglect immediately to remove as aforesaid, when informed and warned as aforesaid, then all the said articles of traffic, spirituous liquors, wine, porter, beer, cider and other fermented, mixed, and strong drink, and all the vessels, chests, and other things containing the same, together with such booth, stall, tent, carriage, boat or vessel, or other place prepared and used for the purpose aforesaid, shall be, and are hereby declared to be



(Act of 2d April, 1822.)

forfeited, and it shall be lawful for any justice of the peace and constable with two freeholders of the county, to seize and take possession of all or any part of the said forfeited articles and liquors, together with such booth, stall, tent, and carriage, boat or vessel, and at any time within ten days after, to advertise and sell the same, and after deducting and paying the necessary and lawful expenses of such seizure and sale, the residue of the proceeds of such sale or sales shall be paid to the overseers of the poor in the township for the use of the poor of the county where the support of the poor is a county charge, and where it is a township charge to the poor of the township where such offence shall have been committed.

7. **SECT. III.** Nothing in this act shall be taken or construed so as to affect any licensed tavern keeper, in his or her ordinary and lawful business, at his or her usual place of residence specified in his or her license, nor shall it be so taken and construed as to affect any merchant, shopkeeper, farmer, mechanic or other person in the usual and lawful transactions of his, her or their ordinary concerns and business, in their usual place of doing such business, nor shall it be so taken, construed or understood, as to affect any person or persons who shall have a permit in writing from the person or persons having the oversight, charge and management of any such meeting, to sell bread and other necessary articles of food for man and beast: *Provided*, The conduct of persons attending such meeting shall accord with the lawful rules and regulations of such meeting, and the property of such persons attending such religious meeting be not of the description forbidden by this act.

8. **SECT. IV.** If any suit or action shall be brought against any person or persons for doing or causing to be done any thing in pursuance of the act according to the provisions thereof, the defendant or defendants may plead the general issue and give the special matter under this act in evidence, and if in such suit or action a verdict and judgment shall be given for the defendant or defendants, or the plaintiff shall become nonsuit or discontinue his action, the defendant or defendants shall have and recover double costs of suit.

**SECT. V.** [Repeals act of 1st April, 1811. 5 Smith, p. 257.]

9. **SECT. VI.** From and after the passage of this act, if any person or persons shall be guilty of disturbing any congregation, society or meeting, assembled for the purpose of religious worship, by blowing horns or trumpets, shooting or firing guns, or by any other means, with intent to disturb or interrupt the worship or devotion of said congregation, society or meeting, he or they, on conviction, before any judge, justice of the peace, or alderman of the proper city or county, wherein the offence shall be committed, shall pay a fine not less than one dollar nor more than five dollars, for the use of the poor of the city, borough or township wherein the offence shall be committed, and where there are no poor, it shall be paid to the supervisors of the township for the improvement of the highways. [*Infra*, 10.]

ACT of 15th April, 1835. Pamph. p. 336.

An Act supplementary to an Act, entitled "An Act to prevent the disturbance of meetings held for the purpose of religious worship," passed the second day of April, one thousand eight hundred and twenty-two.

10. **SECT. I.** If any person or persons convicted under the sixth section of the act to which this is a supplement, shall refuse or neglect to satisfy the fine imposed on him, her or them, and goods and chattels cannot be found whereof to levy the same, the said person or persons so convicted shall be committed to the jail of the proper county for a term not exceeding five days. [*Supra*, 9.]



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tion accrued, and the defendant or defendants may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Not to engage in banking, &c.

SECT. 24. *And be it further enacted by the authority aforesaid,* That the said company shall not at any time be directly or indirectly engaged in any monied or commercial or manufacturing concerns.

Process may be served on any agent. Annual report to legislature.

SECT. 25. *And be it further enacted by the authority aforesaid,* That any mesne process which may be issued against the said corporation, may be served on any toll collectors, agent, director or other officer thereof, and that such service shall be held good, valid and effectual as a service of such process upon the said corporation, and the said corporation shall annually on the first Monday of January report to the legislature the progress they may make in constructing the said rail-road or rail-roads, and also an abstract of their accounts, certified by the oath or affirmation of the president of the said corporation, showing the amount of capital stock actually paid in, the state of the surplus or contingent funds, the profits which may have accrued, and the dividends made or declared during the preceding year.

Abstract under oath.

FRED'K SMITH, *Speaker*  
*of the House of Representatives.*

WM. G. HAWKINS,  
*Speaker of the Senate.*

APPROVED—the sixth day of April, Anno Domini one thousand eight hundred and thirty.

GEO. WOLF.

## No. 173.

### A FURTHER SUPPLEMENT

To an act authorising the Governor to incorporate a company for erecting a permanent bridge over the river Schuylkill, at or near the borough of Norristown, in the county of Montgomery.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same,* That the president, managers and company of the Schuylkill bridge at Norristown, be and they are here

by authorised and empowered to regulate the mode of passing over said bridge in such manner as to prevent injury thereto, or interruption or annoyance to those passing the same, and generally to make and ordain such by-laws, rules and regulations not contrary to the constitution and laws of this commonwealth, as shall be considered necessary for the orderly collection of the tolls, and for the government, convenience, and preservation of said bridge, its affairs, and appurtenances, and for the comfort and safety of passengers, on and over the same; and all breaches of such by-laws, rules and regulations, shall be subject to the like penalty and penalties prescribed for the offences enumerated in the act to which this is a further supplement, to be sued for and recovered in like manner with the penalties mentioned in the said act, and the offender or offenders to remain liable to an action or actions at the suit of said president, managers, and company, as set forth in said act, in regard to penalties therein prescribed, and said president and managers are also hereby authorised to determine the weight or tonnage with which any carriage of burthen shall be permitted to pass over said bridge, and may increase the toll to be demanded and received for any carriage of burthen crossing said bridge, laden with more than three tons, to an amount not exceeding double the rate mentioned in the act to which this is a further supplement, and may also determine the rate of toll for carriages of burthen or pleasure not enumerated in said act, the tolls on such carriages, however, in no case to exceed the rates mentioned in said act; and it shall be lawful for said president, managers and company, to demand and receive lower rates of toll than those specified in said act, and to regulate the same in such manner as they may deem expedient for the best interest of the company.

Company officers empowered to protect bridge, &c.

Regulate tolls, &c.

Penalties of original law.

How recovered.

To determine weight of carriages.

Toll may be doubled on loads more than 3 tons

Carriages not enumerated.

Company may charge lower toll than prescribed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the president and managers aforesaid, to cause the toll collector or toll collectors, and watchman or watchmen, of said bridge, to take and subscribe an oath or affirmation before a justice of the peace of said county, that he or they will faithfully conduct themselves in his or their respective stations, and honestly account to the treasurer of the company for all the money collected by him or them, and diligently attend to the discharge of his or their duty, by watching with vigilance over the interests of the company, and safety of the bridge, and generally to execute with care and fidelity whatever lawful engagement he or they may enter into with the president and managers of said bridge.

Oaths of toll collector, &c.

Reservation from dividends for formation of a fund.

**SECT. 3.** *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said president and managers, in making and declaring any dividend, to reserve such sum or proportion of the clear annual income, not exceeding one per cent. on the capital stock, as they may think proper, to form a contingent fund for the purpose of repairing and rebuilding said bridge, in case of decay or injury, and the same to invest in such public stock as they may deem safe and productive, and the interest arising from the same again to invest, and the same stock to sell and transfer at any time when the funds may be required for the purposes aforesaid.

\$5 penalty on carrying fire, or firing on bridge.

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That if any person shall be guilty of carrying a lighted segar, or pipe, or of carrying fire in any manner whatever, over said bridge, except in a lantern, or in some vessel where it will be fully secured, or the possibility of it setting fire to the bridge, fully prevented, or who shall fire any squib, cracker, rocket, or other fire works, or who shall discharge any gun, pistol, or other fire arms, on said bridge, he or they so offending shall forfeit and pay to said corporation, the sum of five dollars, to be recovered before any justice of the peace as debts of a like amount are or may be recoverable: *Provided,* That like notice shall be given of the provisions of this act, and said suits shall be subject to the same restrictions required by the sixteenth section of the act to which this is a further supplement.

Recovery and appropriation.

Proviso. Subject to provisions of 16th section

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That on the trial of any cause now pending, or which may be hereafter brought by the said president, managers and company, the plaintiff shall not be non-suited, or in any way affected, by reason of any informality in the subscription of the stock, in the advertising for the organization of the company, or by reason of there being a greater number of shares subscribed than is mentioned in the act to which this a further supplement; and the charter of the said company is hereby declared to be good, valid, and effectual, to all intents and purposes, whatsoever, and the members of the said corporation shall have a right to elect, to take a certificate for as many shares of stock by them respectively owned and held, as they may think proper, and said certificates shall be as valid as if a certificate had been granted for each share of stock, agreeably to the provisions of said act.

Certain informalities legalized, as well as enlargement of subscription.

Six managers, four by stockholders and two by county commissioners.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That the number of managers of said company shall as heretofore be six, four of whom shall be elected by the stockholders, as is directed in and by the act to which this is a further supplement, and two of whom being stockholders in said company, and having held stock at

least ninety days prior to the time of their appointment, shall be appointed by the commissioners of the county of Montgomery, for the time being, or a majority of them, annually, on the day the other four shall be elected by the stockholders, or (on) some other day in the same week, and it shall be the duty of the treasurer of said company to furnish said commissioners, on the said day of election, with a list of the stockholders who have held stock for at least ninety days prior to said day.

Treasurer to furnish list.

SECT. 7. *And be it further enacted by the authority aforesaid,* That unless the said president, managers, and company, shall within six months from and after the passage of this act, forward to the secretary of this commonwealth, under their corporate seal, their acceptance of this act as a part of their charter, then the enactment herein contained shall be void and of no validity.

This act void if not accepted within six months.

FRED'K SMITH, *Speaker*  
of the House of Representatives.

WM. G. HAWKINS,  
*Speaker of the Senate.*

APPROVED—the sixth day of April, Anno Domini one thousand eight hundred and thirty.

GEO. WOLF.

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No. 174.

AN ACT

To provide for the settlement of the concerns of the Farmers' and Mechanics' bank of Greencastle.

WHEREAS, It has been represented to the legislature that a large number of the stockholders in the Farmers' and Mechanics' bank of Greencastle were permitted to withdraw, and did withdraw their stock, or a great portion thereof, and that debts due by said bank to a considerable amount remain unpaid, and many stockholders have received no portion of their stock; that there are now no officers of said institution, and no funds to pay the debts thereof or to divide among the last mentioned stockholders:

Preamble.



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## No. 162.

## AN ACT

To authorize the Orphans court of Lebanon county, to direct John Forney to execute a deed of conveyance to Michael Gingrich.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Orphans court of Lebanon county be, and is hereby authorized and empowered, on the application of Michael Gingrich, one of the executors of the last will and testament of John Gingrich, deceased, who was the administrator of Mary Gingrich, deceased, setting forth the fact, manner and terms of sale of a certain house and lot of ground, late the property of said Mary Gingrich, deceased, situate in Millerstown, Anville township, in the county of Lebanon, to order and direct a deed to be executed by John Forney, one of the executors of the said John Gingrich, deceased, to Michael Gingrich, upon sufficient evidence being furnished to the said court, that the said Michael Gingrich was the purchaser of the said property, and that the consideration therefor was fully paid and satisfied.

For a house  
and lot in  
Millerstown,  
Lebanon co.

JOHN LAPORTE,  
*Speaker of the House of Representatives.*

WM. G. HAWKINS,  
*Speaker of the Senate.*

APPROVED—The third day of May, Anno Domini eighteen hundred and thirty-two.

GEO. WOLF.

## No. 163.

## AN ACT

Authorizing the Governor to incorporate a company to build a toll bridge over the river Schuylkill, between the Black and White Horse taverns, in Amity township, Berks county.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George Douglas, Frederick Linderman, Clement Brook, John P. Rutter, Jacob S. Spang and John Bertolet,



Commissioners appointed to open subscription books.  
Form of heading.

Shares, @25.

Instructions on the subject of receiving subscriptions.

Proviso.  
\$3 to be paid down upon each share.

Charter may issue upon 200 shares.

all of the county of Berks, be, and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned: that is to say, they shall, on before the first day of June next, procure a book or books, and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay unto the president, managers and company authorized to erect a bridge over the river Schuylkill, between the black and white horse taverns, for the use of the said company, the sum of twenty-five dollars for each share of stock set opposite to our respective names, in such manner and proportions, and at such times and places as shall be determined by the president and managers, in pursuance of an act of the general assembly of this commonwealth, (entitled) "An act authorizing the Governor to incorporate a company for erecting a bridge over the river Schuylkill, between the black and white horse taverns, in the county of Berks." Witness our hands, this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and thirty \_\_\_\_\_;" and shall thereupon give notice in two newspapers printed in the said county, for one calendar month at least, of the times and places when and where the said book or books shall be opened to receive subscriptions for the stock of the said company, at which times and places some one of the said commissioners shall attend, and shall keep open said book or books, at least six hours in every day, for three juridical days, if so many shall be necessary, and allow any person of the age of twenty-one years, to subscribe therein, in his own name or in the name or names of any person or persons by whom he shall be authorized so to do, for any number of shares in the said stock, until four hundred shares shall be subscribed, when the books shall be closed, but if the whole number of shares should not be subscribed, the said commissioners may adjourn to such times and places as they shall think necessary, and give such further notice as they may think proper, and when the subscription shall amount to four hundred shares as aforesaid, the books shall be closed: *Provided always*, That every person offering to subscribe in the said book or books, in his own name or in that of any other person, shall, at the time of subscribing, pay to the attending commissioner or commissioners, three dollars for every share so to be subscribed, out of which monies shall be defrayed the expenses attending the taking of such subscription and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers thereof chosen, as is hereinafter directed.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when two hundred shares of the said stock shall have been subscribed, the said commissioners, or a majority

of them, shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the Governor, and thereupon it shall and may be lawful for the Governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate in deed and in law, by the name, style and title of "The president, managers and company of the Schuylkill bridge, between the black and white horse taverns," and by the said name, the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act, and of purchasing, taking and holding, to them, their successors and assigns, and of selling, transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Style of corporation.

Privileges and liabilities.

SECT. 3 *And be it further enacted by the authority aforesaid,* That the three persons first named in the letters patent as soon as conveniently may be, after the sealing of the same, shall give notice in two or more of the public newspapers in the county of Berks, of a time and place by them to be appointed not less than thirty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of said subscribers, by ballot, to be delivered in person or by proxy duly authorized, one president, six managers and one treasurer, who shall serve until other officers shall be lawfully chosen as hereinafter directed; and may make such rules, orders, regulations and by-laws, not inconsistent with the laws of this commonwealth, as shall be found necessary for the well ordering the affairs of the said company, and generally to have all the powers, authorities and privileges, necessary for erecting, maintaining and keeping in repair the said bridge.

3 first named subscribers to carry into effect organization.

President, six managers, treasurer.

SECT. 4 *And be it further enacted by the authority aforesaid,* That a public meeting of the said stockholders shall be held annually at such time and place as shall be fixed by the rules and by-laws of the said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as may come before them: *Provided,*

Annual meeting and election.

Proviso.

Each share up to 10 to have one vote.

That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share under ten.

One certificate of stock to each share to be issued.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the president and managers shall procure certificates of stock in the said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation; and each stockholder shall be entitled to a certificate for each share by him subscribed or held, on paying to the treasurer in part of the sum due thereon five dollars on each share, which certificate shall be transferable either by the owner in person, or by his attorney duly authorized, in the presence of the president or of the treasurer for the time being, subject however to the payments due or to grow due thereon; and the person to whom such transfer shall be made, shall stand in the place of the former holder, and be entitled to the same privileges, and liable to the same responsibilities to the company.

Of transfers of stock.

General duties of the president and managers.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said president and managers shall meet at such times and places, and be convened in such manner as shall be prescribed by the by laws, at which meetings five members shall be a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book; and at any such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers, as they shall think necessary for the erection of said bridge, and to fix their salaries and wages, or at their discretion make contracts for the erection or construction of the same or any part thereof; they shall also determine the times, manner and proportions, in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary, to pay salaries, wages and bills, for work or materials, or on account of contract, which orders shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by the clerk, and do and transact all such matters and things as by this act or the by-laws of the company shall be committed to them.

Of the liability of delinquent stockholders to penalties, forfeiture of shares, &c.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if any stockholder, after thirty days notice, given in two or more newspapers, printed in said county, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay such instalment at the time appointed, every such stockholder, or his assignee shall, in addition to the proportion so called for, pay

at the rate of three per cent. per month, for every delay of such payment; and if the same, and the said additional payment shall remain unpaid for such a space of time that the accumulated penalties shall be equal to the sums before paid on account of such share, the same shall be forfeited to the company and may be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor, or the president and managers may sue for and recover the same before any justice of the peace, or before any court of competent jurisdiction.

SECT. 8. *And be it further enacted by the authority aforesaid,* That whenever it shall appear to the said president, <sup>Increase of capital.</sup> managers and company, at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, the same shall be extended under the direction of such meeting, so far as may be necessary to complete said bridge, which additional shares shall be sold by the president and managers, and shall entitle the holder to the same rights and privileges as those originally subscribed.

SECT. 9. *And be it further enacted by the authority aforesaid,* That when a safe passage may be had across the said <sup>Rates of toll allowed to co.</sup> bridge, the property of the same shall be vested in the said company, their successors and assigns forever, and the said company, their successors and assigns, are hereby empowered to erect gates, and demand and receive toll, at not exceeding the following rates, to wit: for every score of sheep, six cents; for every score of hogs, ten cents; for every score of cattle, twenty cents, and so for a greater or less number; for every horse or mule, three cents; for every horse and rider, six and one fourth cents; for every foot passenger, one cent; for every sulkey, chair or chaise, with one horse and two wheels, twelve and a half cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, twenty-five cents; for either of the aforesaid carriages, with four horses, thirty-seven and a half cents; and for every other carriage of pleasure under whatever name, the like sum, according to the number of horses drawing the same; for every stage wagon with two horses, twelve and a half cents; for every such wagon drawn by four horses, twenty-five cents; for every sleigh, six and a quarter cents; for every horse drawing the same, for every sled four cents; for each horse drawing the same, for every wagon or cart, six and a fourth cents, for each horse drawing the same; and two oxen shall be estimated equal to one horse: *Provided,* <sup>Proviso.</sup> That the said bridge shall be so constructed as to admit any <sup>Increase of toll on loads over 3 tons.</sup> load not exceeding six ton, and drawn by not more than eight horses or oxen, at all times to cross it; the said president and managers, however, to have the power to increase the toll to be demanded for any carriage of burden crossing

the said bridge, laden with more than three tons, to an amount not exceeding treble the above rates, and to grade them according to the weight of the load, and the number of horses drawing the same: *And provided also*, That no toll shall be demanded from any person attending funerals, churches or schools, or going to or returning from any militia training.

2d proviso.  
Free passengers.

Penalty on extortion, neglect, &c.

Appropriation thereof.

Dividends to be declared semi-annually.

Proviso. Reservation of contingent fund.

Oaths of collectors, &c.

SECT. 10. *And be it further enacted by the authority aforesaid*, That if the said company, or their successors, or any person or persons by their authority, shall collect or demand any greater toll for passing over said bridge than what are hereinbefore prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of the rates of toll placed near the bridge, on six days notice given by or from any justice of the peace of said county, they so offending shall, for every such offence, forfeit and pay the sum of thirty dollars, to be recovered as debts of the same amount are by law recoverable, one moiety thereof to go for the use of the poor of the county, the other moiety for the use of the person who shall sue for the same; but no suit shall be brought unless commenced within thirty days after the offence shall have been committed.

SECT. 11. *And be it further enacted by the authority aforesaid*, That the said president and managers shall keep a just and true account of all monies received as toll for crossing said bridge or otherwise, and shall make and declare a dividend of the profits and income, after deducting costs, charges and expenses, and shall, on the fourth Monday of December and June of every year, publish the dividend to be made of the clear profits thereof amongst the stockholders, and of the time and place when and where the same (shall) be paid, and shall cause it to be paid accordingly: *Provided*, That it shall be lawful for the said president and managers, in making and declaring any dividend, to reserve such sum or proportion of the clear semi-annual income not exceeding one per cent. on the capital stock, as they may think proper to form a contingent fund for the purpose of repairing and re-building said bridge in case of decay or injury, and the same to invest on such security or in such stock as they shall deem safe and productive, and the interest arising from the same again to invest, and the same stock to sell or transfer at any time when the funds may be required for the purposes aforesaid.

SECT. 12. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the president and managers aforesaid, to cause the toll collector or toll collectors, and watchman or watchmen of said bridge, to take and subscribe an oath or affirmation before a justice of the peace of said county, that he or they will faithfully conduct themselves in his or their respective stations, and honestly account to

the treasurer of the company for all the money collected by him or them, and diligently attend to the discharge of his or their duty, by watching with vigilance over the interests of the company and safety of the bridge, and generally to execute with care and fidelity, whatever lawful engagements he or they may enter into with the president and managers of said bridge.

**SECT. 13.** *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said bridge, or of any toll house, gates, bars or other property of the said corporation, appurtenant to, or erected for the use and convenience of said bridge, or of the person employed in attending to the same, or shall wilfully, without the consent or orders of said corporation, deface or destroy any list of the rates of toll, affixed in any place or places, for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for every such offence, to said corporation, the sum of twenty dollars, to be recovered before any justice of the peace, as debts of a like amount are recoverable; and if any person shall be guilty of carrying a lighted segar or pipe, or of carrying fire in any manner whatever, over said bridge, except in a lantern, or in some vessel secured, so that the possibility of its setting fire to the bridge shall be fully prevented, or who shall fire any squib, cracker, rocket or other fireworks, or who shall discharge any gun, pistol, or other fire arms on or near said bridge, so that the said bridge might by possibility be fired or injured thereby, he or they so offending shall forfeit and pay to said corporation the sum of five dollars for every such offence, to be recovered as aforesaid; but no suit shall be brought for any of the aforesaid offences, unless commenced within thirty days after such offence shall have been committed; and he or they so offending shall remain liable to actions at the suit of the said corporation for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages.

**SECT. 14.** *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work within two years after they shall have been incorporated, or shall not, within the space of five years thereafter, complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, liberties and privileges hereby granted to the said company.

JOHN LAPORTE,  
*Speaker of the House of Representatives.*

WM. G. HAWKINS,

*Speaker of the Senate.*

APPROVED—The third day of May, Anno Domini, eighteen hundred and thirty-two.

GEO. WOLF.

Penalty  
against certain  
offences and  
injury to  
works of com-  
pany.

Two years to  
commence  
work, and five  
to complete.



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No. 296.

## AN ACT

To prevent the opening of streets or public roads through burial grounds, and for the protection of cemeteries and grave yards.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter it shall not be lawful to open any street, lane, alley or public road through any burial ground or cemetery within this commonwealth, any laws heretofore passed to the contrary notwithstanding: *Provided,* That this section shall not extend to the city and county of Philadelphia.

No street, lane, alley or public road to be opened hereafter through any burial ground or cemetery.  
Proviso.

SECTION 2. That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone or other structure, placed in any cemetery or grave yard appropriated to, and used for the interment of human beings, within this state, or shall wilfully injure, destroy or remove any fence, railing or other work for the protection or ornament of such places of interment, or shall wilfully destroy, cut, break or remove any tree, shrub or plant within the limits of said places of interment, or shall within the same shoot or discharge any gun or other fire arms, or shall open any tomb or grave within the same, and clandestinely remove or attempt to remove any body or remains therefrom, shall be guilty of a misdemeanor, and shall, upon conviction thereof, before any justice of the peace of the county where the said offence is committed, be punished by a fine, at the discretion of the justice, according to the aggravation of the offence, of not less than one or more than fifty dollars, for the use of the said county, and to be enforced and collected in the same manner as forfeitures under the act of assembly of twenty-second day of April, one thousand seven hundred and ninety-four, for the prevention of vice and immorality, or shall on conviction thereof in the court of quarter sessions of said county, be punished by a fine as aforesaid, and by imprisonment, according to the aggravation of the offence, at the discretion of the court, for a term not exceeding one year.

Penalty for injuries to tomb, monument, grave stone, and ornaments, fence, railing, &c.  
Fine.  
Imprisonment.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

GEORGE DARSIE,  
*Speaker of the Senate.*

APPROVED—The fifth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.



L A W S  
OF THE  
GENERAL ASSEMBLY  
OF THE  
COMMONWEALTH OF PENNSYLVANIA,  
PASSED AT THE SESSION OF 1848.  
IN THE  
SEVENTY-SECOND YEAR OF INDEPENDENCE.  
WITH  
AN APPENDIX.



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PUBLISHED BY AUTHORITY.

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HARRISBURG, PA.:  
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first Monday of November as now required, and that the said terms be continued, respectively, if necessary, for one week.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 254.

A N A C T

To incorporate a company to erect a bridge over the river Schuylkill, at or near the Sweedes Ford, in the county of Montgomery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of erecting a bridge over the river Schuylkill, at or near Sweedes Ford, David Cook, Nathan Rambo, George B. Reiff, William A Crawford, James Bush, Robert T. Potts, John Freedly, Benjamin Powell, Francis Lyle, Levi Roberts, Andrew Shainline, James Wells, Andrew Keiger, James Hooven, William Rossiter, Daniel H. Major, John H. Hobart, Jacob M. Hurst, William Suplee, James Boyd, Samuel Henderson, Samuel Haupt, Owen Razer and William Custer, of the county of Montgomery, be and the same are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned; that is to say, they shall, on or before the first Monday of May next, procure a book or books, and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president, managers and company to erect a bridge over the river Schuylkill, at or near Sweedes Ford, in the county of Montgomery, for the use of said company, the sum of twenty-five dollars, for each share of stock set opposite our names respectively, in such manner and proportions, and at such times and places as shall be determined by the president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled 'An Act to incorporate a company to erect a bridge over the river Schuylkill, at or near the Sweedes Ford, in the county of Montgomery.' Witness our hands, this                    day of                    one thousand eight hundred and forty                    ;"

Commissioners.

Form of sub-  
scription.

Notice.

Open books.

and shall thereupon give notice in two newspapers in the county of Montgomery, for three weeks at least of the time and places, when and where such book or books shall be opened to receive subscriptions for

the stock of said company ; at which time and places some one or more of the said commissioners shall attend, and shall keep open said book or books at least six hours in every day for three successive days, if so many shall be necessary, and allow any one of the age of twenty-one years to subscribe therein, in his own name or names of any other person or persons, by whom he shall be authorized to do so, for any number of shares of said stock, until six hundred shares shall be subscribed, when the books shall be closed ; but if the whole number of shares shall not be subscribed, the said commissioners may adjourn to such time and places, as they shall think necessary, to receive subscriptions as aforesaid, and give such further notice as they shall think proper ; and when the subscription shall amount to six hundred shares as aforesaid, the books shall be closed : *Provided always*, That every person offering to subscribe in said book or books in his own name, or in the name of any other person, shall, at the time of subscribing, pay to the attending commissioner or commissioners two dollars on every share so subscribed ; out of which shall be defrayed the expenses attending the taking of such subscription, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers thereof chosen as hereinafter directed.

SECTION 2. When four hundred shares of the said stock shall have been subscribed, the said commissioners, or a majority of them, shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the governor of this commonwealth, and thereupon it shall and may be lawful for the governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall subscribe to the number aforesaid, into one body corporate and politic, in deed and in law, by the name, style and title of "The president, managers and company of the Schuylkill bridge and Sweedes Ford ;" and by the said name the subscribers shall have perpetual succession, and shall be capable of holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act ; and of purchasing and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work ; and of suing and being sued, and doing all and every thing which a body politic and corporate may lawfully do : *Provided*, That in erecting the bridge the ford shall be kept open alongside of the same, till said bridge be completed, when said ford shall be closed.

SECTION 3. When ten or more persons shall have subscribed three hundred shares of stock in said company, and shall have paid two dollars on each share so subscribed, the county commissioners of the county of Montgomery may, if they deem it expedient, subscribe for one hundred shares of the stock on behalf of said county ; the subscription on the part of said county, if so made, shall be paid by orders drawn on the treasurer of said county, within twenty days after the piers and abutments of said bridge shall be completed ; and the subscription and payment so made on the part of said county, shall, for every share subscribed by them, vest in such county commissioners and their successors, for the use of the county, all the rights and emoluments appertaining to a share or shares, as those held by individual stockholders ;

and after subscription and payment as aforesaid, the commissioners of said county shall and they are hereby authorized to appoint a manager in said county, at such time as they think proper, and remove the same and appoint another in his place whenever they may deem it necessary; and the manager so appointed, shall have all the rights, privileges and authority of managers chosen by the stockholders and the board; which said board shall consist of ten managers, any six of whom shall constitute a quorum for the transaction of business.

**SECTION 4.** Any five persons named in the letters patent of the governor, as soon as conveniently can be, after giving notice in one or more public papers published in the county of Montgomery, of a time and place by them appointed, not less than three weeks from the time of issuing the first notice, shall proceed with the subscribers to organize the said corporation; and shall by a majority of votes of said subscribers present, by a ballot to be delivered in person or by proxy, duly authorized, elect one president, nine managers and one treasurer; but in case the said county shall not subscribe as aforesaid, then ten managers shall be elected by the stockholders as aforesaid; which said officers shall serve until others shall be lawfully chosen in their place, as herein directed; and may make such rules, orders, regulations and by-laws, not inconsistent with the laws of this commonwealth, as shall be found necessary for the well ordering of the said company; and generally have all the powers, authorities and privileges necessary for erecting, maintaining and keeping in repair said bridge.

**SECTION 5.** A public meeting of the stockholders shall be held annually, at such time and places as shall be fixed by the rules and regulations of said company, for the purpose of choosing officers, in the manner aforesaid, for the ensuing year, and the transaction of such business as shall come before them: *Provided*, That no person shall be entitled to more than ten votes, and that every person shall be entitled to one vote for every share to the number of ten shares and under.

**SECTION 6.** The president and managers shall procure certificates of stock in said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation; and each stockholder shall be entitled to a certificate for each share by him subscribed or held, by paying to the treasurer, in part for the sum due thereon, five dollars on each share, which certificate shall be transferable, either in person or by attorney, duly authorized, in the presence of the treasurer or of the secretary for the time being, subject, however, to the payment due or growing due thereon; and the person to whom the transfer shall be made, shall stand in the place of the former holder, and be entitled to the same privileges, and liable to the same responsibilities to the company.

**SECTION 7.** The said president and managers shall meet at such time and place, and be convened in such manner as shall be prescribed by the by-laws; at which meeting six shall constitute a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their proceedings and transactions, duly inserted in a book; and at such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers, as they shall think necessary for the erection of said bridge, and to fix their salaries and wages, or at their discretion make contracts for the erection and construction of the same, or any part thereof; they shall also determine the times, manner and proportion in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work or materials on account

of contracts; which orders shall be signed by the president, or in his absence, by a majority of the quorum, and attested by the secretary; and also do all matters and things, as by this act or by the by-laws of said company, shall be committed to them.

SECTION 8. If any stockholder, after three weeks' notice, given in two newspapers in said county, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay said instalment at the time appointed, every such stockholder, or his assignee, shall, in addition to the proportion so called for, pay at the rate of one per cent. per month for every delay of such payment; and if the same and the said additional payment shall remain unpaid for such a space of time that the accumulated penalties shall be equal to the sum before paid, or amount of such share, the same shall be forfeited to the company, and may be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor; or the president and managers may sue for and recover the same before any justice of the peace, or before any court of competent jurisdiction.

Proceedings against delinquent stockholders.

SECTION 9. Whenever it shall appear to the said president, managers and company, at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, they shall be extended under the direction of such meeting, so far as may be necessary to complete said bridge; which additional shares shall be sold by the president, and shall entitle the holder to the same rights and privileges as those originally subscribed.

Increase capital.

SECTION 10. The Philadelphia and Reading railroad company are hereby authorized to construct a railroad track over said bridge, to connect their road with the Philadelphia, Germantown and Norristown railroad, agreeably to the provisions of the act of assembly, passed the fifteenth day of April, Anno Domini one thousand eight hundred and forty-six, authorizing connections between said railroads.

Philadelphia and Reading railroad company may construct a track over bridge.

SECTION 11. The said president and managers are hereby authorized to grade the road or street from said ford, or the eastern termination of said bridge, to the Ridge turnpike road, by cutting down or filling up the same in a proper manner, and to turnpike or M'Adamise the same, at their own expense: *Provided*, That the grade of said road or street shall be made in accordance with the regulations of the roads and streets in the borough of Norristown, through which the same passes.

Grade road adjacent to bridge.

Proviso.

SECTION 12. When a safe passage may be had across said bridge, the property shall be vested in the said company, their successors and assigns forever; and the said company and assigns are hereby empowered to erect gates, and to demand and receive toll for passing over said bridge, not exceeding the following rates, to wit: for every score of sheep, six cents; for every score of hogs, ten cents; for every score of cattle, twenty-five cents, and so for a greater or less number; for every horse or mule, three cents; for every horse and rider, four cents; for every foot passenger, one cent; for every sulkey, chair or chaise, with one horse and two wheels, ten cents; for every pleasure carriage, with four wheels and one horse, twelve and a-half cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, fifteen cents; for the aforesaid carriages with four horses, twenty cents; and every other carriage of pleasure, under whatever name, the like sum, according to the number of horses drawing the same; for every wagon or cart for burden and agricultural use, for one horse, five cents; for every such wagon or cart drawn by two horses, ten cents; for every such wagon or cart drawn by four horses, twenty cents; for every sleigh or sled, five cents; and for every horse drawing the same, five cents; and two oxen shall be estimated equal to one horse; for every empty

Bridge vested in company.

Tolls.

Proviso.

burden car of four wheels, two cents; for every empty burden car of eight wheels, four cents; for every ton of burden hauled on said cars, two cents; for every passenger car, fifty cents: *Provided*, That the said bridge shall be so constructed as to admit any load not exceeding ten tons, and not drawn by more than ten horses or oxen, at all times to cross it; the said president and managers, however, to have the power to increase the rate of toll to be demanded for any carriage of burden crossing said bridge, laden with more than five tons, to an amount not exceeding double the above rates and grade of the horses drawing the same; the said president and managers also to have the power to enter into contracts with the said railroad companies, or either of them, in regard to the said railroad track crossing said bridge, and the rates of toll to be charged for cars passing thereon.

Penalty for taking exorbitant tolls.

SECTION 13. If the said company, or their successors, or any person or persons, by their authority, shall collect or demand any greater toll for passing over said bridge, than which is herein prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of the rates of toll placed near the bridge, on ten days' notice given by a justice of the peace of said county, they so offending shall, for every offence, forfeit and pay the sum of five dollars, to be recoverable as debts of the same amounts are by law recoverable, one moiety thereof to the use of the poor of said county, and the other moiety to the use of the person who shall sue for the same; but no suit shall be brought unless commenced within thirty days after the offence shall have been committed.

Accounts.

SECTION 14. The said president and managers shall keep a just and true account of all the moneys received as toll for crossing the said bridge or otherwise, and shall make and declare a dividend of the profits and income, after deducting costs, expenses and charges; and shall semi-annually, on the first Monday of March and September in every year, publish the dividends to be made of the clear profits thereof, among the stockholders, and of the time and place when and where the same is to be paid, and shall cause it to be paid accordingly: *Provided*, That it shall be lawful for the said president and managers, in making and declaring any dividends, to reserve such sum or proportion of the clear half yearly income, not exceeding one per cent. of the capital stock, as they may think proper, to form a contingent fund for the purpose of repairing and re-building the said bridge, in case of decay or injury, and the same to invest on such security, or in such stock, as they shall deem safe and productive; and the interest arising from the same, again to invest, and the same stock again to sell or transfer, at any time when the funds may be required for the purposes aforesaid.

Dividends.  
Proviso.

Collectors to be sworn.

SECTION 15. It shall be lawful for the president and managers aforesaid, to cause the toll collector or collectors, and watchman or men of said bridge, to take and subscribe an oath or affirmation, before a justice of the peace of said county, that he or they will faithfully hire themselves in his or their respective stations, and honestly account to the treasurer of the company for all the money collected by him or them, and diligently attend to the discharge of his or their duty, by watching with vigilance over the interests of said company, and the safety of the bridge, and generally to execute with care and fidelity whatever lawful engagements he or they may enter into with the president and managers of said company.

Penalty for injuring bridge, &c.

SECTION 16. If any person or persons shall wilfully pull down, break or injure, or destroy any part or parts of said bridge, or any toll house, gates, bars or any other property of the said corporation, appertaining to or erected for the use and convenience of said bridge, or of the person

employed for the purpose of attending to the same; or shall wilfully, without the consent or order of the said corporation, deface or destroy any list of the rates of toll affixed in any place or places for the information of passengers and others; or who shall wilfully or maliciously obstruct or impede the passage on or over said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for each and every such offence, to the said corporation, the sum of ten dollars, to be recovered before a justice of the peace as debts of like amount are recoverable; and if any person shall be guilty of carrying any lighted cigar or pipe, or of carrying fire in any manner whatsoever over said bridge, except in a lantern, or in some vessel secured so that the probability of setting fire to said bridge shall be fully prevented; or who shall discharge any pistol or gun, or any fire arms on or near said bridge, so that the said bridge might, by possibility, be set on fire, or injured by said cause, he or she so offending shall forfeit and pay to the said corporation, the sum of five dollars for every such offence, to be recovered as aforesaid; or if any person or persons shall ride or drive his or their horse or horses, on or over said bridge in a faster gait than a walk, he, she or they so offending shall forfeit and pay to the said corporation, the sum of five dollars for every such offence, to be recovered in like manner; but no suit shall be brought for any of the aforesaid offences, unless commenced within thirty days after it shall be known who committed said offence; and he or they so offending shall remain liable to actions, at the suit of said corporation, for such wrongs, if the sums herein mentioned be not sufficient to repair and satisfy said damage.

Penalties for violations.

SECTION 17. If the said company shall not proceed to carry on the said work within three years after they shall have been incorporated, or shall not within the space of five years thereafter complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, liberties and privileges hereby granted to the said company: *Provided also*, That the president and managers shall annually, in the month of March, publish in one or more newspapers printed in said county, a full account of the cost of building and repairing said bridge, and the amount of toll received.

Commencement and completion of said bridge.

Proviso.

SECTION 18. If at any time hereafter the state of Pennsylvania, the county of Montgomery, or the borough of Norristown, shall think proper to purchase the said bridge for the purpose of making it a free bridge, the said company shall be obliged to sell the said bridge, for such sum as the majority of twelve disinterested men, appointed by the court of common pleas of the above mentioned county, may judge the same to be worth; and that so much of any act or acts of assembly as are hereby altered or supplied, be and the same are hereby repealed.

Bridge may be made free.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.





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**Burial Grounds.**

(Act of 15th May, 1850.)

merchandise brokers, and real estate brokers, in each and every city and county of this commonwealth, shall be required to pay annually to the use of the commonwealth, for their respective commissions or licenses granted in pursuance of the several acts of assembly now in force relating to the same, upon their annual receipts from commissions, discounts, abatements, allowances or other similar means in the transaction of their business, three per cent. [See ante, p. 152.]

3. SECT. VIII. The appraisers of mercantile taxes appointed under the fifth section of the act of the 16th day of April, 1845, entitled "An act to increase the revenues and diminish the legislative expenses of the commonwealth," be and they are hereby authorized and required to ascertain and assess the several brokers aforesaid, according to the amount of business done by them respectively in the same manner as is required of them with regard to venders of merchandise; and the said several brokers shall be entitled to the same proceedings, on an allegation that they are not properly taxed, as are now provided by the seventh section of the said last recited act in the cases of venders of merchandise. [Ante, p. 1155.]

4. SECT. IX. Nothing in this act shall be held or taken to repeal any obligation, liability, penalty or duty imposed upon any broker by any existing law of this commonwealth, except only so far as the amount of the tax for a commission or license: *Provided*, That in classing said brokers, when any individual or copartnership desires to obtain a commission or license to carry on business at the same time in more than one of the kind of brokers named in the first part of the sixth [seventh] section of this act, the amount of the annual receipts of said individual or copartnership, in each particular order, shall be estimated for the purpose of fixing the class as aforesaid, and separate commissions and licenses shall be issued for each kind of brokers as now provided by law.

**Burial Grounds.**

|                                              |   |                               |   |
|----------------------------------------------|---|-------------------------------|---|
| Streets not to be opened through cemeteries, | 1 | Or removing bodies therefrom, | 2 |
| Penalty for injuring burial grounds,         | 2 | Form of prosecution,          | 2 |

ACT of 5th April, 1849. Pamph. p. 397.

An act to prevent the opening of streets or public roads through burial grounds, and for the protection of cemeteries and grave yards.

1. SECT. I. Hereafter it shall not be lawful to open any street, lane, alley or public road through any burial ground or cemetery within this commonwealth, any laws heretofore passed to the contrary notwithstanding: *Provided*, That this section shall not extend to the city and county of Philadelphia.

2. SECT. II. Any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone or other structure, placed in any cemetery or grave yard appropriated to, and used for the interment of human beings, within this state, or shall wilfully injure, destroy or remove any fence, railing or other work for the protection or ornament of such places of interment, or shall wilfully destroy, cut, break or remove any tree, shrub or plant within the limits of said places of interment, or shall within the same, shoot or discharge any gun or other fire arms, or shall open any tomb or grave within the same, and clandestinely remove or attempt to remove any body or remains therefrom, shall be guilty of a misdemeanor, and shall, upon conviction thereof, before any justice of the peace of the county where the said offence is committed, be punished by a fine, at the discretion of the justice, according to the aggravation of the offence, of not less than one or more than fifty dollars, for the use of the said county, and to be enforced and collected in the same manner as forfeitures under the act of assembly of 22d day of April, 1794, for the prevention of vice and immorality, or shall on conviction thereof in the court of

(Act of 5th April, 1849.)

quarter sessions of said county, be punished by a fine as aforesaid, and by imprisonment, according to the aggravation of the offence, at the discretion of the court, for a term not exceeding one year. [See ante, p. 690.]

Canals and Rail-Roads.

[See Arbitration, 1.]

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ACT of 13th March, 1847. Pamph. p. 337.

An act in reference to running of locomotive engines and cars on connecting rail-roads.

1. SECT. I. In all cases where two rail-roads in this commonwealth are or shall be connected, it shall be lawful for the company owning either of the said rail-roads, (with the consent of the company owning the other of said rail-roads,) to run its cars and locomotive engines upon the said other rail-road, and to erect water stations and other buildings, for the due accommodation of the cars and engines employed thereon: *Provided*, That nothing herein contained shall be construed or interpreted to release or exonerate any company owning a rail-road, from the obligation and duty which may be now imposed by existing laws, of transporting, subject to the rules and regulations of said companies, by locomotive steam engines, the cars, whether loaded or empty, of all persons and companies, who may require such transportation over and along so much and such parts of their rail-road as locomotive steam engines shall be run upon, whether they be run by the company owning the road, or by any other company.

*Pennsylvania Statutes*  
**A Digest**

OF THE

**LAWS OF PENNSYLVANIA,**

FROM THE YEAR

**ONE THOUSAND SEVEN HUNDRED**

TO THE TENTH DAY OF JULY,

**ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.**

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ORIGINALLY COMPILED BY  
JOHN PURDON, Esq.

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TENTH EDITION,

Revised, with Notes to the Judicial Decisions.

BY

FREDERICK C. BRIGHTLY, Esq.,

AUTHOR OF THE "UNITED STATES DIGEST," "FEDERAL DIGEST," ETC.

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fraudulently make a false entry in, or erase, alter, secrete, carry away or destroy any public record, or any part thereof, of any court or public office of this commonwealth, (a) such person shall be guilty of a misdemeanor, and on conviction, shall be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding two years. (b)

31 March 1860.  
Making false entries, and destroying or abstracting public records.

22. If any person shall fraudulently and corruptly acknowledge, or procure to be acknowledged, any deed, or any writing authorized to be acknowledged, or any recognisance or judgment, in the name of any other person not privy thereto, or consenting to the same, the person so offending shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding one thousand dollars, and undergo an imprisonment, by separate or solitary confinement at labor, not exceeding seven years. (c)

Ibid. § 16.  
False personation.

(4.) District attorneys.

23. If any district attorney shall wilfully and corruptly demand, take or receive any other fee or reward, than such as is prescribed by law, for any official duties required by law to be executed by him in any criminal proceeding; or if such district attorney shall be guilty of wilful and gross negligence in the execution of the duties of his office, he shall be guilty of a misdemeanor in office, and on conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment not exceeding one year, and his said office shall be declared vacant. Upon complaint in writing, verified by the oath or affirmation of the party aggrieved, made to the court in which any district attorney shall prosecute the pleas of the commonwealth, charging such district attorney with wilful and gross negligence in the execution of the duties of his office, the said court shall cause notice of such complaint to be given to the said district attorney, and of the time fixed by the said court for the hearing of the same. If, upon such hearing, the court shall be of opinion that there is probable cause for the said complaint, they shall bind over or commit the said district attorney to answer the same in due course of law. If the court shall be of opinion that there is no probable cause for such complaint, they shall dismiss the same with reasonable costs, to be assessed by the court. (d)

31 March 1860 § 17  
P. L. 388.  
Misdemeanors by district attorneys.

24. If any district attorney shall be charged according to law, with any crime or misdemeanor, before, or bound over or committed by any court, to answer for wilful and gross negligence in the execution of the duties of his office, it shall be the duty of the court to appoint some competent attorney thereof, to prepare an indictment against such district attorney, and to prosecute the same on behalf of the commonwealth, until final judgment, to whom a reasonable compensation, to be fixed by the court, shall be paid for his services, out of the county treasury. If such district attorney shall be convicted of any crime, for which he may be sentenced to imprisonment, by separate or solitary confinement at labor, in addition thereto, his said office shall be declared vacant by the court passing such sentence.

Ibid. § 18.  
Mode of proceeding against such district attorney.

III. Offences against the public peace.

(1.) Riots, etc.

25. If any person shall be concerned in any riot, (e) rout, unlawful assembly or an affray, and shall be thereof convicted, he shall be guilty of a misdemeanor, and be sentenced to pay a fine not exceeding five hundred dollars, or undergo an imprisonment not exceeding two years, or both, or either, at the discretion of the

31 March 1860 § 19.  
P. L. 389.  
Riots, routs, unlawful assemblies, and affrays.

(a) Every registry or enrolment, directed by law, and preserved for the use of the public, is protected by this act. *Ream v. Commonwealth*, 3 S. & R. 207.

(b) This section is taken from the Province law of 1700, 1 Sm. 4, of which it forms a part. That part of the act of 1700, which is not embraced in this section, will be found in another part of the act, under the head of "Embezzling or corrupting records." The title to so much property, and so many varied interests, depend on the integrity of the public records, that a vigorous and resolute protection is required to be extended to their sanctity. Report on the Penal Code 15.

(c) This provision is new, although such false personation is an offence at common law. The necessity for such a statutory provision seems manifest. Report on the Penal Code 15.

(d) This and the following section are re-enactments of the fourth and fifth sections of the act May 3d 1850, P. L.

654. The alterations therein, except verbal alterations, are for the better arrangement of the sections; for extending the punishment for extortion to imprisonment as well as fine; and for subjecting a party preferring a complaint against any district attorney, without probable cause, to the payment of reasonable costs, to be assessed by the court. The original statute bears marks of hasty preparation, and seemed to require re-casting. All its penal provisions, with the additions above expressed, will be found in these sections. Report on the Penal Code 15.

(e) See *Pennsylvania v. Craig*, Add. 191. *Pennsylvania v. Criba*, Ibid. 277. *Pennsylvania v. Huston*, Ibid. 334. 4 Penn. L. J. 31, 36. *Commonwealth v. Daley*, 2 Penn. L. J. R. 361. *Commonwealth v. Hare*, Ibid. 467. *Shouse v. Commonwealth*, 5 Penn. St. R. 84. *Commonwealth v. Dupuy*, Bright. 44. *Clellans v. Commonwealth*, 8 Penn. St. R. 223. *Respublica v. Montgomery*, 1 Y. 419.

31 March 1860.

Aggravated riots.

Ibid. § 20.

Riotous destruction  
of buildings or ma-  
chinery.

court; and in case any one is convicted of an aggravated riot, the court may sentence the offender to imprisonment by separate or solitary confinement at labor, not exceeding three years. (a)

26. If any persons riotously and tumultuously assembled together, to the disturbance of the public peace, shall, unlawfully and with force, demolish or pull down, or destroy, or begin to demolish, pull down or destroy any public building, private dwelling, church, meeting-house, stable, barn, mill, granary, malt-house or out-house, or any building or erection used in carrying on any trade or manufacture, or any branch thereof, or any machinery, whether fixed or movable, prepared for or employed in any manufacture or any branch thereof, or any steam-engine or other engine for sinking, working or draining any mine, or any building or erection used in conducting the business of any mine, or any bridge, wagon-way, road or trunk, for conveying minerals from any mine; every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be imprisoned by separate or solitary confinement at labor, or by simple imprisonment, not exceeding seven years. (b)

## (2.) Forcible entry and detainer.

31 March 1860 § 21.  
P. L. 390.

Forcible entry.

27. If any person shall, with violence and a strong hand, enter upon or into any lands or buildings, either by breaking open doors, windows or other parts of a house, or by any kind of violence or other circumstances of terror, (c) or if any person, after entering peaceably, shall turn out by force or by threats, or menacing conduct, the party in possession, (d) every person so offending shall be guilty of a forcible entry, and on conviction, shall be sentenced to pay a fine not exceeding five hundred dollars, or to undergo an imprisonment not exceeding one year, or both, or either, at the discretion of the court, and to make restitution of the lands and tenements entered as aforesaid. (e)

Ibid. § 22.

Forcible detainer.

28. If any person shall, by force and with a strong hand, or by menaces or threats, unlawfully hold and keep the possession of any lands or tenements, whether the possession of the same were obtained peaceably or otherwise, such person shall be deemed guilty of forcible detainer, (g) and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, or to undergo an imprisonment not exceeding one year, or both, or either, at the discretion of the court, and to make restitution of the lands and tenements unlawfully detained as aforesaid: *Provided*, That no person shall be adjudged guilty of forcible detainer, if such person, by himself, or by those under whom he claims, has been in peaceable possession for three years next immediately preceding such alleged forcible detention. (h)

(a) This section is intended to supply the Province law passed in 1700, 1 Sm. 30, and the 7th section of the act 9th April 1849, P. L. 526, providing against aggravated riots. The punishment of rioters, by the act of 1700, is not defined, but is directed to be according to the laws of England, or in other words, according to the common law. The same punishment of ordinary riots is inflicted by this section, except that its extent is limited. The punishment of aggravated riots is that directed by the act of the 9th April 1849. Report on the Penal Code 15.

(b) This section embraces a class of aggravated riots, which it was thought best, for public admonition, should be enumerated and defined, and against which, from their dangerous character, adequate punishments are provided, leaving, however, to the courts ample discretion to modify them, as circumstances may require. The section is new to our statute law. Report on the Penal Code 15.

(c) There must be such acts of violence, or such threats, menaces, signs or gestures, as may give reason to apprehend personal injury or danger, in standing in defence of the possession. *Pennsylvania v. Robison*, Add. 14, 17. *Pennsylvania v. Waddle*, Ibid. 42. *Burd v. Commonwealth*, 6 S. & R. 252. The statute requires as an indispensable ingredient in the offence, "violence and a strong hand." *Respublica v. Devore*, 1 Y. 501. Where no other force is used than is implied in every trespass, the case is not within the statute. *Commonwealth v. Dixon*, 1 Sm. 3 n. 7 Sm. 723. The force must amount to a breach of the peace. *Commonwealth v. Conway*, 1 Brewst. 509. *Commonwealth v. Rees*, 2 Ibid. 564.

(d) Unless there be possession in another at the time of the entry, it is no offence, whatever may be the degree of force used. *Pennsylvania v. Waddle*, Add. 43. *Pennsylvania v. Lemmon*, Ibid. 315. *Pennsylvania v. Leach*, Ibid. 355. And the possession of the prosecutor must be

quiet, peaceable and actual. *Commonwealth v. Keeper of the Prison*, 1 Ash. 140. *Pennsylvania v. Robison*, Add. 17. *Pennsylvania v. Lemmon*, Ibid. 316. *Pennsylvania v. Leach*, Ibid. 355. *Burd v. Commonwealth*, 6 S. & R. 252. *Prutman v. Ferree*, 10 W. 144. *Elliott v. Powell*, Ibid. 455. *Commonwealth v. Conway*, 1 Brewst. 509. A landlord may be indicted for forcibly ejecting a sub-tenant, after the termination of the lease, and the removal of the principal tenant. *Commonwealth v. Kenney*, 2 Pars. 401. And a prosecution for forcible entry will lie by one tenant in common against his co-tenant, where the possession has been adverse and exclusive. *Commonwealth v. Oliver*, 2 Pars. 420.

(e) To authorize judgment of restitution, the estate of the prosecutor must be averred in the indictment; possession is not enough. *Torrence v. Commonwealth*, 9 Penn. St. R. 184. *Commonwealth v. Toram*, 2 Pars. 411.

(g) The entry and detainer are distinct offences, and although both be charged in the same indictment, the defendants may be convicted of one and acquitted of the other. *Commonwealth v. Rogers*, 1 S. & R. 124.

(h) These two sections relate to the offences of forcible entry and detainer. The first specifies what shall constitute a forcible entry, and declares how the offence shall be punished; the second declares what conduct shall amount to a forcible detainer, and also defines the nature and extent of the punishment to be inflicted upon the offender. The only statutory enactment of our own concerning the offences here referred to, is the act of 1700, 1 Sm. 1; but the English statutes, 15 Rich. II., ch. 11, 8 Hen. VI., ch. 9, 31 Eliz. ch. 11, and 21 Jac. I., ch. 15, relative to forcible entry and detainer, are all reported to be in force in this state. The provisions contained in our statute of 1700, as well as those of the aforementioned English statutes, are all supplied by the 21st and 22d sec-

(3.) Threatening letters.

29. If any person shall knowingly send or deliver, or utter to any other person, any letter or writing, accusing or threatening to accuse either the person to whom such letter or writing shall be sent or delivered, or any other person, of any crime or misdemeanor punishable by law with imprisonment at labor, with a view or intent to extort or gain, by means of such threatening letter or writing, any property, money, security or other valuable thing, from any person whatsoever; or shall send, deliver or utter any letter or writing, threatening to kill or murder any other person, or to burn or destroy any coal-breaker, house, barn or other building, or any rick or stack of grain, hay or straw, or other agricultural produce; every such offender shall be guilty of a misdemeanor, and on conviction, be sentenced to an imprisonment by separate or solitary confinement at labor, or by simple imprisonment, not exceeding three years, and to pay a fine, not exceeding one thousand dollars.(a)

31 March 1860 § 23.  
P. L. 390.

Threatening letters.

(4.) Libels.

30. If any person shall write, print, publish or exhibit any malicious or defamatory libel, tending either to blacken the memory of one who is dead, or the reputation of one who is alive, and thereby exposing him to public hatred, contempt or ridicule, such person shall be guilty of a misdemeanor,(b) and on conviction, be sentenced to pay a fine, not exceeding one thousand dollars, or undergo an imprisonment, not exceeding twelve months, or both, or either, at the discretion of the court.

31 March 1860 § 24.  
P. L. 390.

Libels.

(5.) Duelling.

31. If any person within this commonwealth shall challenge another, by word or writing,(c) to fight at sword, rapier, pistol or other deadly weapon, or if any person so challenged shall accept the said challenge; in either case, such person so giving or sending, or accepting any such challenge, shall be guilty of a misdemeanor, and being convicted thereof, shall be sentenced to pay a fine, not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding three years.(d)

31 March 1860 § 25.  
P. L. 391.

Sending a challenge to fight.

32. If any person shall, willingly and knowingly,(e) carry and deliver any written challenge, or shall verbally deliver any message purporting to be a challenge, or shall consent to be a second in any such intended duel, every such person so offending shall be guilty of a misdemeanor, and being convicted thereof, shall be sentenced to pay a fine, not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding two years.

Ibid. § 26.

Carrying or delivering a challenge.

33. If any person shall have knowledge of any challenge to fight with any deadly weapon, given or received, or in any manner be witness to the fact of such challenge, duel or fighting, not being a second thereat or a party thereto, and shall conceal the same and do not inform thereof, he or she shall be guilty of a misde-

Ibid. § 27.

Concealing the knowledge of a challenge.

tions of this act. Whilst the language is greatly simplified and condensed, the only material alteration in the law itself, will be found in making the proceeding by indictment the exclusive criminal remedy, thereby excluding the inquisition now authorized to be held before two justices of the peace, which is believed to be entirely unnecessary, in view of the fact that restitution is to form part of the sentence, except in cases of conviction for forcible detainer, where three years' peaceable possession has immediately preceded the commission of the offence. This limitation has not been extended to conviction for forcible entry, because, according to the statutory limitation proposed by us for misdemeanors, no convictions can be had unless the offender is prosecuted within two years after the commission of the offence. The punishment of fine and imprisonment is the same as at common law, except the maximum is mentioned, as in other sections of this bill. Report on the Penal Code 16.

(a) This section is new. By the common law, the extortion of money by actual duress, or by threats of such a nature as are calculated to overcome a man of ordinary firmness, is an indictable misdemeanor; but what are the threats which a man of ordinary firmness ought to resist, is a question which, accompanied with more or less embarrassment, always presents itself in such cases. The provisions proposed by this section, are a consolidation of the English statutes on the subject, rendered necessary by the difficulties which beset common-law proceedings against such crimes. Report on the Penal Code 16.

(b) This section merely puts the common-law definition

of a malicious and defamatory libel in a statutory form; the object of the commissioners being to assign this crime a place in the statute laws, in order to admonish and instruct. Report on the Penal Code 16. See *Commonwealth v. Stacey*, 28 Leg. Int. 20. *Commonwealth v. Featherston*, 29 Ibid. 125.

(c) See *Commonwealth v. Levy*, 2 Wheeler's Cr. C. 245.

(d) The 25th, 26th, 27th and 28th sections are re-enactments of the act of the 31st March 1806, 4 Sm. 353. The changes recommended are in the punishments. The challenger, and party accepting a challenge, are made subject to confinement at labor not exceeding three years, instead of one; the second, or bearer of a challenge, to two years instead of one; and the person concealing his knowledge of a challenge, to one year's simple imprisonment, instead of nine months. The punishment, by imprisonment at labor, for posting a person for not accepting a challenge, remains the same. The present constitution of the commonwealth, article VI., section 10, deprives any person who shall fight a duel, or send a challenge for that purpose, or be aider or abettor in fighting a duel, of the right of holding any office of trust or profit in the state; the commissioners have, therefore, thought it unnecessarily severe to continue in force that clause of the act of 1808, which deprives a party convicted of challenging, or accepting a challenge, of all rights of citizenship for seven years thereafter. Report on the Penal Code 17.

(e) The *scienter* must be proved. *United States v. Shackelford*, 3 Cranch C. C. 178.



31 March 1860.

meanor, and being convicted thereof, shall be sentenced to pay a fine not exceeding fifty dollars, and to undergo an imprisonment not exceeding twelve calendar months.

Ibid. § 28.

Posting another  
for not accepting  
a challenge.

34. If any person shall, in any newspaper or handbill, written or printed, or otherwise, post, publish or proclaim any other person or persons as a coward or cowards, or use any other opprobrious and abusive language towards such person for not accepting a challenge, or fighting a duel, such person or persons so offending, shall, on conviction, be sentenced to pay a fine, not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding one year. (a)

## (6.) Fast driving, etc.

31 March 1860 § 29.  
P. L. 391.

Furious driving  
and racing.

35. If any person shall be maimed, or otherwise injured in person, or injured in property, through or by reason of the wanton and furious driving, or racing, or by reason of the gross negligence or wilful misconduct of the driver of any public stage, mail-coach, coachee, carriage or car, employed in the conveyance of passengers; or through or by reason of the gross negligence or wilful misconduct of any engineer or conductor of any locomotive engine or train of railroad cars or carriages; or any captain or other officer of any steamboat employed in the conveyance of passengers, or of goods, wares, merchandise or produce of any description; such driver, engineer, conductor, captain or officer, shall, on conviction thereof, be sentenced to pay a fine, not exceeding five hundred dollars, and undergo an imprisonment, by separate or solitary confinement, or by simple imprisonment, not exceeding five years: *Provided*, That the provisions of this act shall not interfere with the civil remedies against the proprietors and others, to which the injured party may by law be now entitled. (b)

22 March 1865 § 1.  
P. L. 30.

Negligence by rail-  
road employees.

36. If any person or persons in the service or employ of a railroad or other transportation company, doing business in this state, shall refuse or neglect to obey any rule or regulation of such company, (c) or, by reason of negligence or wilful misconduct, shall fail to observe any precaution or rule, which it was his duty to obey and observe, and injury or death to any person or persons shall thereby result, such person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine, not exceeding five thousand dollars, and to undergo an imprisonment in the county jail or in the state penitentiary, not exceeding five years: *Provided*, That nothing in this act shall be construed to be a bar to a trial and conviction for any other or higher offence, or to relieve such person or persons from liability in a civil action for such damages as may have been sustained.

Ibid. § 2.

Duties of district  
attorneys.

37. It shall be the duty of the prosecuting attorney of the city or county where any such injuries may have happened, as soon as he shall have notice of the same, to take immediate action and legal measures for the apprehension and arrest of the person or persons who may be charged with causing the injuries as aforesaid, and to direct *subpœnas* to issue from any justice of the peace to witnesses, to appear and testify on the part of the commonwealth touching such offences charged as aforesaid, and to prosecute the offenders as in other cases of misdemeanor: *And provided further*, That no conviction of the employees shall relieve the company from any liability for any such injuries or death.

## (7.) Carrying concealed weapons.

13 May 1850 § 14.

Punishment for  
carrying concealed  
weapons, in Phila-  
delphia.

38. Any person within the limits of the city and county of Philadelphia, who shall carry any fire-arms, slung-shot or other deadly weapon, concealed upon his person, with the intent therewith unlawfully and maliciously to do injury to any other person, shall be deemed guilty of a misdemeanor, and upon the conviction thereof, shall be sentenced to undergo solitary confinement at hard labor in the

(a) It is a misdemeanor at common law to challenge another to fight with fists. *Commonwealth v. Whitehead*, 2 Law Rep. 148. Or to challenge another to fight, under any circumstances, whether constituting the statutory offence or otherwise. 3 Whart. Cr. L. § 2674.

(b) This section, which is the revision of the act of 1st April 1836, P. L. 427, is intended more effectually to guard the community against the disastrous consequences which too frequently attend the neglect and wantonness of those charged with the conducting of public vehicles for the transportation of travellers and property. The original act punishes the offence prescribed against it, with a fine not exceeding \$50, and simple imprisonment

not exceeding six months; a punishment utterly inadequate to most cases of the offence. The proposed section, while it gives the court power to extend the punishment in proper cases, still leaves room for any moderation required by attending circumstances. As the like evils may result from the gross and wilful misconduct of steamboat officers, a provision has been introduced to meet such cases. Report on the Penal Code 17.

(c) Mere neglect or refusal to obey the company's rules, or to observe proper precautions, whether wilful or not, is an offence under this act. *Commonwealth v. Griffin*, 3 Brewst. 554.

prison of said county for a period of not less than one month, nor more than one year, at the discretion of the court; and the jury trying the case may infer such intent as aforesaid, from the fact of the said defendant carrying such weapons in the manner as aforesaid. (a)

13 May 1850.

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

8 April 1851 § 4.  
P. L. 382.

In the borough of York.

40. Any person, within the limits of the county of Schuylkill, (b) who shall carry any fire-arms, slung-shot, dirk-knife, or other deadly weapon, concealed upon his person, with the intent, therewith, unlawfully and maliciously, to do injury to any other person, shall be deemed guilty of a misdemeanor, and upon the conviction thereof, shall be sentenced to undergo solitary confinement, at hard labor, in the prison of said county, for a period of not less than one month, nor more than one year, and pay a fine of not less than twenty-five, nor more than one hundred dollars, or either, or both, at the discretion of the court; and the jury trying the case may infer such intent, as aforesaid, from the fact of the said defendant carrying such weapon, in the manner as aforesaid.

5 May 1864 § 1.  
P. L. 823.

In Schuylkill county.

Inference of unlawful intent.

(8.) Prize-fighting.

41. Prize-fights and boxing-matches are hereby declared to be unlawful, within the counties of Pike, Schuylkill, Luzerne, Erie and Montgomery, and any person engaging or participating therein, either as principal, second or bystander, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to undergo an imprisonment, not exceeding one year, and pay a fine, not exceeding five hundred dollars, or either, at the discretion of the court.

16 March 1866 § 1.  
P. L. 210.

Punishment in certain counties.

42. It shall be the duty of the sheriff of said county, when informed that a prize-fight or boxing-match is about to take place, within the said county, to call out such force as may be necessary to prevent the same; and for that purpose he shall have power to summon, verbally, every able-bodied man, between the age of eighteen years and forty-five, to attend him forthwith, and assist in maintaining the peace.

Ibid. § 2.

Sheriffs to summon the posse comitatus.

43. Any person so summoned and not attending forthwith, as above required, shall be guilty of a misdemeanor, and upon conviction thereof, shall forfeit and pay a fine of one hundred dollars, or, in default of payment thereof, undergo an imprisonment in the county jail, not exceeding six months.

Ibid. § 3.

Penalty for neglecting to attend.

44. Whosoever shall engage or participate in any prize-fight, within this commonwealth, or any fight or pugilistic contest, on the result of which any money or valuable thing is bet or wagered, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum not exceeding one thousand dollars, and imprisoned in the penitentiary or the jail of the proper county, for a period not exceeding two years; and every person being present at such fight, or laying any bet or wager on the result thereof, whether present or not, shall be considered a participant therein, and as giving encouragement thereto, and may, at the discretion of the court, be punished in like manner.

22 March 1867 § 1.  
P. L. 39.

Prize-fighting punished throughout the state.

(a) By act 3 May 1850 § 22, establishing a police force for the city and incorporated districts of the county of Philadelphia, in case of a riot, "any person arrested upon whose person or in whose possession shall be found fire-arms or any other deadly weapon, shall be deemed guilty of an intention to riot, whether said fire-arms or deadly weapon shall be used or not, unless the contrary can be satisfactorily established, and punished accordingly." P. L. 670. It has been ruled by the court of quarter sessions of Philadelphia, that these acts are unconstitutional, so far as they apply to the carrying of arms for self-defence; and that it is competent for the accused to rebut the unlawful intent raised by the statutory provision. *Commonwealth v. McNulty*, 28 Leg. Int. 389. But it is hard to understand, how it is, that a party who is in the exercise of an admitted constitutional right, can be called upon to

prove, affirmatively, that he had no unlawful intent in so doing. The true idea appears to have been that laid down by the supreme court of Georgia, to wit, that although such acts may be valid; yet, if they cut off the exercise of the right of the citizen to bear arms, altogether, or, under color of prescribing the mode, render the right itself useless, they are unconstitutional and void. *Nunn v. State*, 1 Kelly 243. These remarks apply with great force to the act of 8 April 1851. And it is to be remembered, that if the theory of Judge Woods be a sound one, the right to bear arms is among those secured to the citizens of the United States, by the 14th amendment to the constitution. *United States v. Hall*, 13 Int. R. Rec. 181.

(b) Extended to Luzerne county, by act 16 March 1866 P. L. 229.



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# Hunting.

[See GAME.]

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| <p>1. Penalty for hunting deer at certain seasons. Mode of conviction.</p> <p>2. What to be sufficient evidence.</p> <p>3. Penalty for hunting on another's lands without license.</p> | <p>4. Penalty for shooting in the streets of a town.</p> <p>5. Appropriation of penalties.</p> <p>6. Constables to present offenders.</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|

**Penalty for hunting deer at certain seasons.** 1. If any person or persons shall hunt, chase or follow with a design to kill or destroy any buck, doe or fawn, (a) within the lands already or hereafter to be purchased of the Indians, at any other time or season, excepting only between the first day of the month of August, and the first day of the month of January, and shall be lawfully convicted (b) thereof by the oaths or affirmations of one or more credible witnesses, or the confession of the party, before one or more justices of the peace for the respective county, where such offence shall be committed, he or they shall forfeit and pay the sum of three pounds for every such offence, to the uses aforesaid: *Provided*, such conviction be made within six months after such offence committed.

**Mode of conviction.** 2. Every person in whose custody shall be found, or who shall expose to sale any green deer-skins, fresh venison, or deer's flesh, at any other time of the year, than what is before excepted, such green deer-skins, fresh venison or deer's flesh, shall be deemed and taken as evidence of the guilt of the person in whose custody the same shall be found.

**What to be sufficient evidence.** 3. If any person or persons shall presume to carry any gun, or hunt on any enclosed or improved lands of any inhabitants of this province, other than his own, unless he shall have license or permission from the owner of such lands, or shall presume to fire a gun on or near any of the king's highways, and shall be thereof convicted, either upon view of any justice of the peace within this province, or by the oath or affirmation of any one or more witnesses, before any justice of the peace, he shall, for every such offence, forfeit the sum of forty shillings.

**Penalty for hunting on another's lands without license.** 4. No person whatsoever shall presume to shoot at, or kill with a fire-arm, any pigeon, dove, partridge or other fowl, in the open streets of the city of Philadelphia, or in the gardens, orchards and enclosures adjoining upon, and belonging to any of the dwelling-houses within the limits of the said city, or suburbs thereof, or any of the boroughs or towns within this province, upon the forfeiture of forty shillings for every such offence, to be convicted in the manner aforesaid.

**Penalty for shooting in the streets of a town.** 5. All which penalties and forfeitures, not hereinbefore appropriated, shall be paid, one moiety thereof to the informer, and the other to the overseers of the poor of the township where such offence is committed, for the use of the poor of the said township, but if convicted upon view of a justice of the peace, the whole forfeiture shall be paid to the overseers of the poor of the said township, for the use of the poor of said township; and if the offender refuse to pay, the same shall be levied by distress and sale of the offender's goods by warrant, under the hand and seal of the justice before whom such offender shall be convicted, returning the overplus, if any, to the owner, the charge of distraining being first deducted; and for want of such distress, he shall be committed to prison, where the forfeiture is three pounds, for the space of thirty days; and where the forfeiture is forty shillings, for the space of twenty days, without bail or mainprise.

**Appropriation of penalties.** 6. The constable of each respective township, in every county of this province, having any knowledge of any offences against this act, shall, and is hereby required, under the penalty of five pounds, to present, on oath or affirmation, every such offence to some one justice of the peace of their respective counties, or before the justices of the general quarter sessions of the peace for the same county, together with the name or names of all such offenders, that they may be tried, agreeably to the provisions of this act.

|                                      |                      |                      |
|--------------------------------------|----------------------|----------------------|
| 1. Act 9 April 1760, § 8. 1 Sm. 322. | 3. <i>Ibid.</i> § 6. | 5. <i>Ibid.</i> § 9. |
| 2. <i>Ibid.</i> § 4.                 | 4. <i>Ibid.</i> § 7. | 6. <i>Ibid.</i> § 2. |

(a) See act 7 March 1821, against hunting in enclosed grounds in the counties of Philadelphia and Delaware. 7 Sm. 386. For killing deer in certain counties; see acts 8 April 1840, P. L. 251; 4 March 1841, P. L. 56; 29 April 1844, P. L. 524; 11 April 1845, P. L. 370; 3 March 1848, P. L. 97; 24 March 1848, P. L. 223; 2 April 1850, P. L. 320; 24 March 1851, P. L. 213; 10 April 1851, P. L. 589; 9 April 1852, P. L. 309; 3 March 1853, P. L. 702; 11 March 1853, P. L. 170; 14 April 1853, P. L. 428; 20 April 1854, P. L. 413; 18 April 1853, P. L. 833; 10 February 1855, P. L. 27; 8 April 1857, P. L. 175; 20 May 1857, P. L. 606; 19 March 1858, P. L. 131; 22 April 1858, P. L. 455; 24 March 1859, P. L. 220; 30 March 1859, P. L. 306; 2 April 1859, P. L. 346; 14 April 1859, P. L. 645; 21 March 1860, P. L. 2, 7; 26 March 1860, P. L. 267; 30 March 1860, P. L. 373; 2 April 1860, P. L. 507; 22 April 1861, P. L. 170; 1 May 1861, P. L. 550; and 1 May 1861, P. L. 643.

(b) The proceedings must be by summary conviction, at common law. 1 Ash. 182.



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kept in some conspicuous place, at the gates of said bridge, a list of the rates of toll.

*Clause 3.* If the said corporation, or any person employed for it, shall collect or demand any greater rate or prices for passing over said bridge than what is prescribed in the list of tolls put up at the gate as aforesaid, or neglect to keep said bridge in repair, he or they shall forfeit for every such offence the sum of ten dollars, to be recovered as debts of a similar amount are recovered, one-half to be paid to the county, and the other half to the person who may sue for the same.

Penalty for demanding excessive tolls, or neglect to keep bridge in repair.

*Clause 4.* That said corporation shall keep a just account of all moneys received by their several collectors of tolls for crossing said bridge, and after deducting all contingent costs and charges, and such proportion of the income as may be sufficient for a fund to provide against the decay, the repairing and re-building of the said bridge that time and accident may render necessary, they shall semi-annually declare and make a dividend of the balance among the stockholders, first giving notice personally or by advertisement of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly in ten days thereafter, or as soon thereafter as the same shall be demanded.

Accounts to be kept.

Fund to be set apart for repairs, &c.

Dividends.

*Clause 5.* If any person or persons shall wilfully pull down, break or destroy, with intent to injure any part or parts of the said bridges, or any toll-house, gates, bars or other property of the said corporation erected for the use of said bridges, or shall wilfully deform or destroy the letters or figures in any list of the rates of toll affixed in any place for the information of passengers, or shall wilfully or maliciously obstruct or impede the passage in or over the said bridges, or any part or parts thereof, he or she, or they so offending shall each of them forfeit and pay for each and every such offence to the said corporation the sum of ten dollars, to be recovered as other debts of a like amount are recoverable; and if any person shall be guilty of carrying any lighted segar or pipe, or of carrying fire in any manner whatsoever over said bridge, except in a lantern, or in some vessel secured, so that the probability of setting fire to said bridges shall be fully prevented, or shall discharge any pistol, or gun, or any fire-arms on or near said bridges, he, she or they so offending shall forfeit and pay to the said company the sum of five dollars each, with all other damages sustained to said bridges for every such offence, to be recovered as aforesaid; or if any person or persons shall evade the payment of any toll or duty for passing said bridges, or ride or drive his or their horse or horses on or over said bridge in a faster gait than a walk, he, she or they so offending shall forfeit and pay to the said corporation the sum of five dollars for every such offence, to be recovered in like manner as aforesaid; but no suit shall be brought for any of the aforesaid offences, unless commenced within thirty days after it shall be known who committed said offence, and he, she or they so offending shall remain liable to action at the suit of said corporation for

Punishment for wilfully destroying works.

Or obstructing passage.

Penalty for carrying fire over bridge.

Or discharging fire-arms near thereto.

Penalty for evading tolls.

Limitation of actions for penalties.

such wrongs, if the sums herein mentioned be not sufficient to repair and satisfy said damage.

Privileges to cease on neglect to prosecute work.

*Clause 6.* If any company incorporated under this law for the purpose of erecting any bridge as aforesaid, shall not proceed to carry on said work within the space of two years from the date of its letters patent, and shall not, within the space of five years thereafter complete the same, the rights and privileges thereby granted to the said corporation, shall revert to the commonwealth.

Powers of ferry companies.

**SECTION 32.** Any ferry company incorporated as aforesaid, shall have the right and power to erect and maintain a ferry, either of steam power or otherwise, across any of the streams of waters of this commonwealth, subject to the right of prior occupants within three thousand feet of the point at which the proposed ferry is to be located, and may take and receive such tolls and freights for the passage of persons, vehicles, animals and freight as may be appointed by them, subject to the approval of the court of quarter sessions of the proper county, which court is required to examine the toll-sheet submitted by any such corporation and approve the same, or lessen or increase the same as seems just and proper.

#### TELEGRAPH COMPANIES.

What the charter of a telegraph company to state.

**SECTION 33.** The charter for the incorporation of a company to maintain a telegraph line, shall, in addition to what is hereinbefore required, also state—

- I. The general route of the line of telegraph.
- II. The points to be connected.

Authority to construct lines of telegraph.

*Clause 1.* Such corporation shall be authorized, when incorporated as hereinbefore provided, to construct lines of telegraph along and upon any of the public roads, streets, lands or highways, or across any of the waters within the limits of this state, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, but the same shall not be so constructed as to incommode the public use of said roads, streets or highways, or injuriously interrupt the navigation of said waters; and this act shall not be so construed as to authorize the construction of a bridge across any of the waters of this state.

Proceedings in cases of failure to agree on damages.

*Clause 2.* In all cases where the parties cannot agree upon the amount of damages claimed, or by reason of the absence or legal incapacity of the owner or owners no such agreement can be made, for the right to enter upon lands or premises for the purposes named in this section, the company shall tender a bond, or have the same filed in the manner provided in the forty-first section of this act, and proceedings shall be had as therein set forth.

Right to connect with other lines.

*Clause 3.* The said telegraphic corporation shall have the right to connect its lines of telegraph with any other line operating within this state; and it shall be the duty of any corporation or person owning any other telegraph line doing business within this state, to permit such connection, and to receive dispatches from and for other telegraph lines and corporations, and from and for any individual, and on pay-

To receive and transmit dispatches.



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**X. Inclined-plane railways.**

187. The companies incorporated under the provisions of the act to which this act is a supplement, for the erection and maintenance of inclined-plane railways operated by stationary engines, and the carriage of passengers and freight thereon, shall, from the date of the letters-patent creating the same, be governed, managed and controlled as follows, and shall be entitled to (the benefits of) the statute to which this is a supplement :

1 May 1876 § 1.

P. L. 84.

Inclined-plane  
railroad companies.

188. I. The directors of such corporation shall have full power and authority to appoint, agree and contract with such engineers, contractors, laborers and other persons, as they may think necessary, to make and construct or operate such inclined plane and other buildings, and collect the fares hereinafter authorized, and fix their compensation, to purchase real estate in quantities not exceeding ten acres at any one time, and to sell and improve the same in such manner as they may determine, and to do and transact all other acts, matters and things, as by the by-laws of such corporation may be entrusted to them.

Power to contract.

189. II. It shall and may be lawful for any incorporated company of this commonwealth or elsewhere, to subscribe and take shares of stock in any corporation incorporated for the purposes named in this act, or to purchase the bonds or stock, or guaranty the payment of said bonds and the interest thereon.

Subscriptions by  
other corporations.

190. III. Before the directors of any such corporation shall proceed to erect any such inclined plane or other buildings, it shall be lawful for them to contract with the owner or owners of any land, for the purchase of so much thereof as may be necessary for the purpose of such inclined-plane company ; but in case they cannot agree, then proceedings shall be had for the condemnation of said lands, as provided in section forty-one of the act to which this is a supplement.

Purchase of lands.

191. IV. When said corporation shall have erected any inclined plane, under the authority of this act, the property thereof shall be vested in the said corporation, and it shall have the power to erect gates, and to demand such rates as the directors thereof shall, from time to time, determine, not exceeding six cents for the carriage of each passenger, and for the carriage of freight, packages, et cetera, ten cents per hundred weight or fractional part thereof ; the directors of said corporation to have power to determine the classes of freight to be carried ; and they shall cause to be put up and kept in some conspicuous place in the station houses of said inclined plane, an exhibit of the rates of fare fixed by them.

Gates and tolls.

192. V. If the said corporation, or any person employed by it, shall demand or collect any greater fares than are prescribed in the exhibit of fares put up in the station-houses as aforesaid, he or it shall forfeit, for every such offence, the sum of ten dollars, to be recovered as debts of a similar amount are recovered ; one-half to be paid to the county, and the other half to the person suing for the same.

Penalty for demand-  
ing illegal  
fares.

193. VI. Said corporation shall keep a just account of all moneys received by its agents, and after deducting all expenses and such proportion of the income as may be sufficient for a fund to provide against the decay, repairing and rebuilding of said plane, that time and accident may render necessary, shall semi-annually declare and make a dividend of the balance among the stockholders, first giving notice, personally or by advertisement, of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly, in ten days thereafter, or as soon as the same shall be demanded.

Accounts

Dividends.

194. VII. If any person shall break, pull down or destroy any part or parts of said inclined plane, or other property of the said corporation, or shall wilfully obstruct the passage in or to said inclined plane. or any part or parts thereof, each such person shall forfeit and pay to the said corporation the sum of ten dollars for each and every such offence, to be recovered as other debts of a like amount are recoverable ; and if any person shall be guilty of carrying any lighted cigar or pipe, or carrying fire into the station-houses and buildings of the corporation, in any manner except in a lantern, or shall discharge any pistol or gun, or any fire-works in or near the buildings of the said company ; each one so offending shall forfeit and pay the said corporation the sum of five dollars for every such offence, to be recovered in like manner as aforesaid ; but no suit shall be brought for any of the aforesaid offences unless commenced within thirty days after it shall be known who committed said offences ; and he, she or they shall remain liable to action at the suit of the corporation for any of the wrongs enumerated in this clause, if the sums herein mentioned be not sufficient to repair or satisfy said damage.

Penalty for injur-  
ing works, &c.

Actions regulated

195. VIII. The causeways or other approaches to the station-houses of any inclined plane, chartered under the act to which this is a supplement, shall be deemed to be and taken as public highways, and subject to the same penalties for

Causeways to be  
deemed public  
highways.

1 May 1876. obstruction thereof as may now or shall hereafter be enforced for the obstruction of public streets, in the municipality in which said approaches may be located.

Commencement and completion of works. 196. IX. If any company incorporated under this law for the purpose of erecting an inclined plane as aforesaid, shall not proceed to carry on said work within the space of two years from the date of its letters-patent, or shall not, within the space of five years thereafter, complete the same, the rights and privileges granted to the said corporation shall revert to the commonwealth.

### XI. Passenger railways.

23 May 1878 § 1. P. L. 111. Passenger railway companies may be incorporated.

197. Any number of persons not less than five (5) may form a company for the purpose of constructing, maintaining and operating a street railway, for public use in the conveyance of passengers. (a) and for that purpose may make and sign articles of association, in which shall be stated the name of the company, the number of years the same is to continue, the length of such road as near as may be, the amount of the capital stock of the company, which shall not be less than three thousand dollars (\$3000) for every mile of road proposed to be constructed, and the number of shares of which said capital stock is to consist, and the names and places of residence of a president, and not less than four (4) nor more than twelve (12) directors of the company, who shall manage its affairs until the first annual meeting thereafter, and until others are chosen in their places.

Articles of association. 198. Each subscriber to such articles of association shall subscribe thereto his name, place of residence, and the number of shares of stock he agrees to take in said company; on compliance with the provisions of the second section of this act, such articles of association shall be acknowledged by at least three (3) of the directors, before some officer competent to take acknowledgments of deeds, in the county where the office of the company is designed to be located, and may be filed in the office of the secretary of the commonwealth, who shall indorse thereon the day on which they were filed, and record the same, in a book to be provided by him for that purpose; whereupon the governor shall issue his letter-patent, creating the persons who have so subscribed such articles of association, and all persons who shall become stockholders in such company, a corporation, by the name specified therein, and (it) shall possess the powers and privileges following, namely:

Corporate powers. I. To have succession, by its corporate name, for the period limited in its articles of association :

II. To sue and be sued, complain and defend, in any court of law or equity :

III. To make and use a common seal, and alter the same, at pleasure :

IV. To hold, purchase and convey, subject to existing laws, such real and personal estate as the purposes of the corporation shall require, not exceeding the amount limited in the articles of association :

V. To appoint such officers and agents as the business of the corporation shall require, and to allow them a suitable compensation :

VI. To make by-laws, not inconsistent with any existing laws, for the management of its property and regulation of its affairs, and for the transfer of its stock.

Ibid. § 2. When articles may be recorded. 199. Such articles of association shall not be filed and recorded in the office of the secretary of the commonwealth, until at least two thousand (\$2000) dollars of stock for every mile of railroad proposed to be made or (are) subscribed thereto, and ten per centum paid thereon, in good faith, and in cash, to the directors named in said articles of association, nor until there is indorsed thereon or annexed thereto, an affidavit, made by at least three of the directors named in said articles, that the amount of stock required by this section has been, in good faith, subscribed, and ten per centum paid in cash thereon as aforesaid, and that it is intended, in good faith, to construct, and to maintain and operate the road mentioned in such articles of association; which affidavit shall be recorded with the articles of association as aforesaid.

Ibid. § 3. Subscriptions to stock not previously taken. 200. When such articles of association are filed and recorded in the office of the secretary of the commonwealth, the directors named therein shall, in case the whole of the capital stock is not before subscribed, keep an open book for subscription at their office, giving such notice as they may deem expedient, and shall continue to receive subscriptions, until the amount of the capital stock required

(a) This act is entitled "an act to provide for the incorporation and government of street railway companies, in cities of the third, fourth and fifth classes, and in the boroughs and townships in this commonwealth." By act 19 March 1879, P. L. 9, it substantially re-enacted, so as to apply to cities of the second and third class: with a proviso, that "any company proposing to construct a street railway, or any branch or extension thereof,

under the provisions of this act, shall in good faith commence the construction thereof, within one year after the consent of the proper local authorities of the city, borough, or township within which the same is located, shall have been obtained, and shall be completed within two years thereafter, unless the time shall be extended by the authority aforesaid."

# **RHODE ISLAND**



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y<sup>e</sup> Maj<sup>r</sup> together w<sup>th</sup> y<sup>e</sup> Maj<sup>r</sup> part of y<sup>e</sup> Cap<sup>ts</sup> & Com<sup>is</sup>sion Officers of y<sup>e</sup> Sever<sup>ll</sup> Train bands on Rhode Island & y<sup>e</sup> Islands Adjacent und<sup>er</sup> y<sup>e</sup> Maj<sup>r</sup> Command as also in all Other matters of y<sup>t</sup> Nature as properly belonging unto them & it is furth<sup>er</sup> Enacted by y<sup>e</sup> authority afores<sup>d</sup> y<sup>t</sup> y<sup>e</sup> maj<sup>r</sup> & Comm<sup>is</sup>sion officers on y<sup>e</sup> Main w<sup>th</sup>in this Jurisdiction have y<sup>e</sup> Like pow<sup>er</sup> & Authority as y<sup>e</sup> afores<sup>d</sup> maj<sup>r</sup> & Com<sup>is</sup>sion Officers of y<sup>e</sup> Island have in all Such cases as Afores<sup>d</sup> any Act to y<sup>e</sup> Contrary notw<sup>th</sup>standing This asse<sup>m</sup>bly Takeing Unto Confid<sup>er</sup>ations y<sup>e</sup> Frequent Misbehaveours Committed in this Jurisdiction towards his maj<sup>ty</sup>s officers in y<sup>e</sup> due & Lawfull Execution of their offices & y<sup>e</sup> former Laws in this Colony being very Short & not fully declareing w<sup>t</sup> Shall be Accounted Misbehaviour

*Be it Therefore Further Enacted* by y<sup>e</sup> autthority aforesaid, That where y<sup>e</sup> Law of this Colony doth not fully declare w<sup>t</sup> Misbehauour is Towards his maj<sup>ty</sup>s officers in this Colony in y<sup>e</sup> due Execution of their s<sup>d</sup> offices y<sup>t</sup> every p<sup>er</sup>son so Offending Shall be Iudged by y<sup>e</sup> Laws of his maj<sup>ty</sup>s Realm of England in Each case made & Provided

*Att A Generall Asse<sup>m</sup>bly held for y<sup>e</sup> Colony at Newport y<sup>e</sup> 6<sup>th</sup> of may 1679*

*Be it Enacted* by y<sup>e</sup> Gover<sup>er</sup> Councill & Representatives in This p<sup>re</sup>sent Sess<sup>ion</sup> Asse<sup>m</sup>bled & by y<sup>e</sup> authority of y<sup>e</sup> Same be it Enacted y<sup>t</sup> if any P<sup>er</sup>son or P<sup>er</sup>sons w<sup>th</sup>in this Jurisdiction Shall Imploy his Seruants or hire & Imploy any oth<sup>er</sup> mans

[59] Servant or Seruants & Sett them to Labour on y<sup>e</sup> first day of y<sup>e</sup> week y<sup>e</sup> P<sup>er</sup>son or P<sup>er</sup>sons So offe<sup>n</sup>ding Shall upon Proove thereof made pay for every offence by him or them Com<sup>it</sup>ted five Shilings in Mony to y<sup>e</sup> use of y<sup>e</sup> poor of y<sup>e</sup> Town or place in w<sup>ch</sup> y<sup>e</sup> offence or offences are Com<sup>it</sup>ted w<sup>ch</sup> s<sup>d</sup> five Shillings if y<sup>e</sup> p<sup>er</sup>son offending refuse upon Conuiction before one Majestrates to pay, a warrant und<sup>er</sup> y<sup>e</sup> hand of one majestrates directed to y<sup>e</sup> Serjant of the town where y<sup>e</sup> Offence was Com<sup>it</sup>ted Shall be his Sufficent Warrant to take by distrain<sup>t</sup> So much of y<sup>e</sup> Estate of y<sup>e</sup> offending Party together w<sup>th</sup> two Shilings for his Service therein

*And be it Further Enacted* by the authority aforesaid

*That* if any p<sup>er</sup>son or Perfons Shall presume to sport game or play att any manner of game or games or Shooting out of any gun or Shall Sett tipling & drinking in any Tauern alehouf Ordinary or Vitling house one y<sup>e</sup> first day of y<sup>e</sup> Week more then Necesety Requireth & Upon Examination of y<sup>e</sup> fact it Shall be Iudged by any Iustice of y<sup>e</sup> Peace & y<sup>e</sup> P<sup>er</sup>son or P<sup>er</sup>sons so offending as afores<sup>d</sup> Upon Conviction before one Iustice of Peace Shall by y<sup>e</sup> s<sup>d</sup> Iustice of y<sup>e</sup> Peace be Sentenced for every y<sup>e</sup> afores<sup>d</sup> offences to Sett in y<sup>e</sup> Stocks three houres or pay five shillings in money for y<sup>e</sup> use of y<sup>e</sup> Poor of y<sup>e</sup> Town or place where y<sup>e</sup> Offences was Committed

*And Whereas* there hath been many Complaints by Masters of Ships & Oth<sup>er</sup> uesells to y<sup>e</sup> Authority in this Jurisdiction y<sup>t</sup> y<sup>e</sup> Seamen by them Shiped & retained, haue been Ent<sup>er</sup>tained by p<sup>er</sup>sons keeping Tauerns Alehouses Ordinaries or Uictualing houfes to there great neglect & Hindrance in there Employments & at y<sup>e</sup> time of there being Ready to Sail & put forth to Sea there men are by y<sup>e</sup> p<sup>er</sup>sons afores<sup>d</sup> Attached Imprisoned & kept from their Lawfull Service to their great Lofs & damage for Preuention of Which this Asse<sup>m</sup>bly Enacte

[60] Declare y<sup>t</sup> if any P<sup>er</sup>son or P<sup>er</sup>sons y<sup>t</sup> Shall keep tauern alehoufe Ordinary or Uictualing house w<sup>th</sup>in this Jurisdiction & Shall giue Credite Unto & trust any Seamen or Seaman y<sup>t</sup> Shall be Shiped & Ratained by any mast<sup>er</sup> of a Ship or oth<sup>er</sup> uesell w<sup>th</sup>out Order from y<sup>e</sup> Mast<sup>er</sup> of y<sup>e</sup> s<sup>d</sup> Ship or Uesell aboue y<sup>e</sup> Sum of five Shilings no Action or Suit Shall Lye or be for y<sup>e</sup> Same

*And be it Further Enacted* by the authority aforesaid

*That* If any p<sup>er</sup>son or P<sup>er</sup>sons Keeping all or any of y<sup>e</sup> houfes afores<sup>d</sup> Shall P<sup>re</sup>sume to Arrest attach or Imprison any Seaman or Seamen Contrary to this Act he or they & every of them Shall be Liable to pay y<sup>e</sup> mast<sup>er</sup> of y<sup>e</sup> s<sup>d</sup> Ship or oth<sup>er</sup> uesell y<sup>e</sup> damage or damages y<sup>t</sup> he or they Shall Sustain thereby who by himselfe or his Authority may have his action against any p<sup>er</sup>son or P<sup>er</sup>sons So Offending for y<sup>e</sup> Same as in Action Debt

*Att a Generall Afsembly held for y<sup>t</sup> Colony att Newport y<sup>e</sup> 5<sup>th</sup> of May 1680*

*Bee it Enacted* by y<sup>e</sup> Gov<sup>er</sup> Councill & Representatives in this p<sup>re</sup>sent Sefsion Afsembled & by y<sup>e</sup> authority of y<sup>e</sup> Same it is Enacted y<sup>t</sup> in all Actionall Cafes brought to y<sup>e</sup> Generall Court of Tryalls if y<sup>e</sup> Plantiff or Defendant be agrieved aft<sup>er</sup> Iudgement Entred In Court upon reuiew they may & have liberty to Make there Appeal to y<sup>e</sup> next Gener<sup>l</sup> afsembly for Relief provided Such appeal be made in y<sup>e</sup> Recorders Office ten days time Aft<sup>er</sup> Iudgement Entred as afores<sup>d</sup> as Also Such P<sup>er</sup>son or P<sup>er</sup>sons So appealing Shall first Pay Cost of Court & give in Bond as In case of Review & thereupon Execution Shall be Stopped till y<sup>e</sup> determination of y<sup>e</sup> afsembly be Known

*And it is further Enacted* by y<sup>e</sup> authority aforesaid That y<sup>e</sup> p<sup>er</sup>son Appealing Shall Enter his reason of appeal tenn days before y<sup>e</sup> Court appealed Unto and [61] the Defendant hath Liberty to take out y<sup>e</sup> Reasons of appeal & give in his answer at y<sup>e</sup> Court & that y<sup>e</sup> Plantiff take Coppys of y<sup>e</sup> Cafe from y<sup>e</sup> Recorder & Present y<sup>e</sup> whole Cafe to y<sup>e</sup> Court Appealed Unto paying y<sup>e</sup> Ufuall fees to y<sup>e</sup> Record<sup>er</sup> y<sup>t</sup> he hath for Coppys at y<sup>e</sup> Gener<sup>l</sup> Court of Tryalls & pay oth<sup>er</sup> fees according to y<sup>e</sup> Custom of o<sup>r</sup> Courts of Tryalls to y<sup>e</sup> Serjant for calling y<sup>e</sup> Cafe & no oth<sup>er</sup> fees to y<sup>e</sup> Record<sup>er</sup> nor Serjant Except new Euidence be presented y<sup>t</sup> was not in y<sup>e</sup> former Courts

*And Be it further Enacted* be the Authority Aforesaid

*That* if y<sup>e</sup> Freemen inhabitants of any Town or village in this Colony do or Shall neglect to afsemble together in Such former order as by Law or Cufdom they are bound or used to do & Chuse Such & So many officers as by Law or Cufdom they are to Chuse y<sup>t</sup> then it shall & may be Lawfull for y<sup>e</sup> Govern<sup>er</sup> or Dep<sup>ty</sup> Gov<sup>er</sup> w<sup>th</sup> six afsif<sup>ts</sup> to Ord<sup>er</sup> appoint & Constitute und<sup>er</sup> thei hands Such Officer or Officers in y<sup>e</sup> s<sup>d</sup> Town Uilage or place as Shall to them Seem Meet for y<sup>e</sup> Carrying on the affaires depending & being between y<sup>e</sup> Colony & y<sup>e</sup> s<sup>d</sup> Town Uilage or Place from time to time & also for y<sup>e</sup> Carrying on y<sup>e</sup> affair of y<sup>e</sup> s<sup>d</sup> Town Uilage or Place any Law or Laws in this Colony to y<sup>e</sup> Contrary hereof in any wise notw<sup>th</sup>standing [& for y<sup>e</sup> Regulating of all Diford<sup>er</sup>ly Selling of all Sorts of Strong licquors Wine & Strong drink & setting up tipling houfes w<sup>th</sup>out licence in any of y<sup>e</sup> Respective towns Uillages & Places of this Colony

*Be it Enacted* by y<sup>e</sup> Authority aforesaid

*That* y<sup>e</sup> Town Counfell of Each Respective town Vilage or Place or maj<sup>r</sup> part of them on Legall Warnings & meeting are hear by authorized to grant Licences & to Supprefs any Person that Shall Sell by Retail as aforesaid without [62] or Contrar To there ord<sup>er</sup> & y<sup>t</sup> y<sup>e</sup> Offender or Offenders shall be liable to be dealt w<sup>th</sup> all According to y<sup>e</sup> Laws of England & Pay for y<sup>e</sup> first offence a fine of forty Shilings for their Transgression in or as money but in case y<sup>e</sup> Respective town Councils neglect then two Majestrates Upon Just Complaint are authorized to give licence as well as to Supprefs those y<sup>t</sup> disord<sup>er</sup>ly Sell Drink as afores<sup>d</sup> any law to y<sup>e</sup> Contrary hereof in any wise notwithstanding

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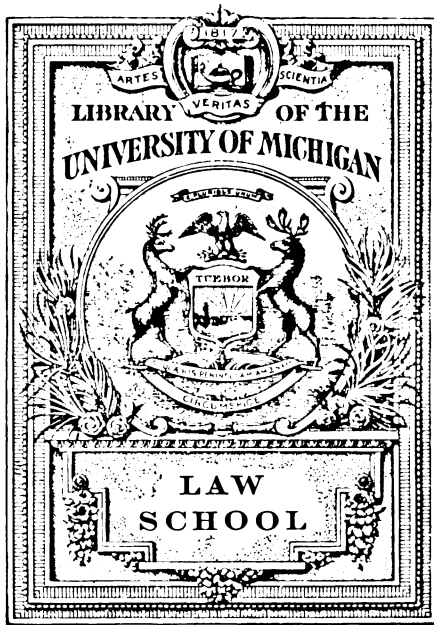
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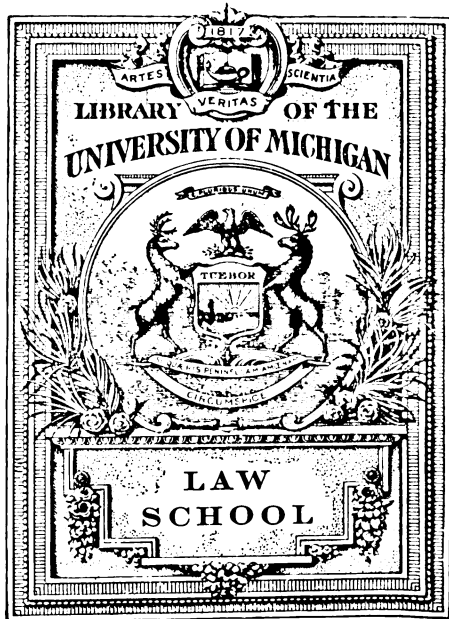












persons whosoever, directly or indirectly, set up or put forth any lottery, by whatever name the same may be called, without the leave of the General Assembly first had and obtained, he or they shall forfeit and pay, as a fine, a sum not exceeding one thousand dollars, nor less than fifty dollars, to and for the use of the State, to be recovered by the General-Treasurer, by action of debt, in any Court of Record.

Sec. 2. *And be it further enacted,* That if any person shall purchase any ticket or tickets in any such lottery, so set up or put forth, he shall forfeit the sum of seven dollars for every ticket so purchased, to be recovered and appropriated in manner as aforesaid. and purchasing tickets therein.

*An Act providing in case of Fire breaking out in the Town of Newport, and for other Purposes therein mentioned.* 1750.  
1762.  
1798.

Section 1. **B**E it enacted by the General Assembly, and by the authority thereof it is enacted, That when any fire shall happen to break out in the town of Newport, the Governor, Lieutenant-Governor and Assistants, for the time being, and the fire-wards of the town or the major part of such officers as aforesaid present at any fire, shall and may, and are hereby empowered, to give directions for pulling down, or blowing up, any house or houses as shall be by them present adjudged meet and necessary to be pulled down or blown up, for stopping and preventing the further spreading of the same. And if it shall happen that the pulling down or blowing up of any house or houses shall be the occasion of Fire-wards, &c. their power in pulling down houses.  
stopping

Owners thereof  
to be paid.

stopping the progress of such fire, or that the fire stop before it comes to the same, then all and every owner of such house or houses shall receive reasonable satisfaction, and be paid for the same by the rest of the inhabitants of said town, whose houses shall not be burnt, who are hereby empowered to make a tax for levying and raising such sum or sums of money as shall, by the Court of General Sessions of the Peace for the county of Newport, be thought sufficient for that end, which Court is hereby fully empowered and authorized, on application to them in this behalf made, to determine and make order thereon. *Provided always*, that if the house or houses where the fire shall first begin and break out, shall be adjudged fit to be pulled down or blown up, to hinder and prevent the spreading of the fire, that then the owner or owners of such house or houses shall receive no manner of satisfaction for the same, any thing in this act contained to the contrary notwithstanding.

Proviso.

Fire-wards to be  
chosen.

Sec. 2. *And be it further enacted*, That the freemen of said town of Newport shall, on their days for electing town officers, choose and appoint such a number of prudent persons of known fidelity in the several parts of the town, as they may think fit, who shall be denominated and called fire-wards, and have a proper badge assigned to distinguish them in their offices, to wit; a speaking-trumpet painted red, and at the times of the breaking forth of fire and during the continuance thereof, they shall have full power and authority to command and require assistance for the extinction and putting out of the same, and for removing household furniture, goods and merchandize, out  
of

Their power.

of any dwelling-house, store or other building actually on fire or in danger thereof, and to appoint proper guards to take care of and secure the same ; as also to require and command assistance for the pulling down or blowing up of any house or houses, and performing all and every service relating thereto, to stop and prevent the further spreading of the fire, and to suppress all tumults and disorders. And the said fire-wards, from time to time appointed as aforesaid, are required, upon notice of the breaking forth of fire, to take each one his badge, and repair immediately to the place, and vigorously exert their authority for obtaining assistance, and to use their utmost endeavours to extinguish or prevent the spreading of the fire, and to preserve and secure the estates of the inhabitants : And due obedience is required to be yielded to them and each of them accordingly in said service. And all disobedience, neglect or refusal, in any person, shall be informed of to some of the Justices of the Peace of said town, within two days next after ; and the offender, upon conviction thereof by the oath of one or more of the fire-wards, or other due proof made before any two of said Justices, shall forfeit and pay as a fine the sum of six dollars and sixty-six cents, to be levied by a warrant of distress, and when collected to be distributed at the discretion of the Town-Council of Newport, among such poor persons as were most distressed by the fire. And in case such offender or offenders shall be unable to pay the same, they shall be committed to gaol, there to remain ten days.

Persons disobeying, to be fined.

Sec. 3. *And be it further enacted, That* if any evil-minded wicked persons shall take advantage

Stealing, &c. in time of fire.

advantage of such calamity to rob, plunder, purloin, embezzle, convey away or conceal any goods, merchandize or effects of the distressed inhabitants whose houses were on fire, or endangered thereby, and put upon removing their goods, and shall not restore the same to the owner (if known) or bring the same to such public place as shall be assigned by the Governor, Lieutenant-Governor, or either of the Assistants, within two days next after proclamation made for that purpose, the person or persons so offending shall, on conviction thereof, be deemed thieves, and shall suffer the severest pains and penalties by law provided against such crimes.

Town to be furnished with fire-hooks, &c.

Sec. 4. *And be it further enacted,* That there shall be kept, for the use and at the charge of the town of Newport, six fire-hooks, suitable for pulling down houses and other buildings, and the same number of ladders of a convenient length, one half of which fire-hooks and ladders shall be always kept at the lower market-house, and the other half at the market-house near the town school-house, or at such other places as the town of Newport shall direct: And that the same be made use of at the breaking out of any fire in said town, and upon no other occasion whatever.

Persons to be chosen to take care of them.

Their duty, &c.

Sec. 5. *And be it further enacted,* That eight persons be annually chosen by said town to have the care of the said fire-hooks and ladders, and upon the breaking out of any fire, they are immediately to repair to the said fire-hooks and ladders, and cause them to be carried where they shall be most wanted, and after the fire shall be over, to cause them to be returned again to the places

places from whence they were brought: That the said persons, and each of them, shall have full power to command any persons to assist them in transporting the said ladders and fire-hooks; and that whosoever shall refuse to assist, upon being commanded as aforesaid, shall pay as a fine into the town-treasury the sum of two dollars for every offence; and that such persons, during the time for which they shall be appointed to the office aforesaid, shall be exempted from all such town duties as the fire-men chosen to take care of the engines are by law exempted from.

Sec. 6. *And be it further enacted,* That every house in the said town of Newport shall be furnished with two good leather buckets, with the owner's name painted at large thereon, and with a ladder that shall reach from the ground to the top of said house, or with a trap-door or scuttle in the roof of said house, with stairs or a ladder to go out of the garret upon the top of the house: And that for every dwelling-house in said town of Newport which shall not be furnished with two leather buckets, and a ladder to reach from the ground to the top of the house, or in the room of such ladder a trap-door or scuttle in the roof of said house, and stairs or a ladder to go out of the garret upon the top of the house, the owner of said house shall pay as a fine into the town-treasury the sum of two dollars for every six months neglect; but if the owner of the house doth not live in the town of Newport, the tenant or tenants shall pay such fines, and the same shall and may be deducted out of the rent of the house.

Every house to be provided with buckets, &c.

Penalty for neglect.

Sec. 7. *And be it further enacted,* That three persons shall be annually chosen by

Examiners to be chosen,

B b b b

the

the said town of Newport, to examine every house in said town twice a year, and make report of all delinquents unto the Town-Council, who are hereby directed and empowered to cause every delinquent to be prosecuted.

Penalty for refusing to use buckets, &c.

Sec. 8. *And be it further enacted,* That every person in possession of a bucket, who shall neglect or refuse to make use of the same himself, or deliver it to some other person to make use of, at any fire which shall break out in said town, or put his buckets to any other use but to extinguish fire, shall pay as a fine into the town-treasury aforesaid the sum of one dollar for every offence.

Buckets lost to be paid for.

Sec. 9. *And be it further enacted,* That every bucket that shall be lost or damaged at any fire, upon satisfactory proof thereof being made before the Town-Council, an order by them shall be given to the owner of such bucket on the Town-Treasurer for as much money as will make good the loss or damage.

Powder to be conveyed to the powder-house.

Sec. 10. *And be it further enacted,* That every person who shall import gun-powder into the said town of Newport, shall cause the same to be conveyed immediately to the powder-house at the north-easterly part of the town, before the vessel in which such powder shall be imported be brought to any wharf, upon the penalty of paying into the town-treasury of the said town of Newport a fine of two dollars, for every cask which shall not be conveyed to the powder-house as aforesaid: That every other person who shall have gun-powder in his possession, and shall neglect or refuse to cause the whole of the same to be conveyed to the said powder-house immediately; excepting  
twenty-



twenty-five pounds, which shall be kept in a tin powder-flask, shall pay as a fine into the town-treasury aforesaid the sum of two dollars, for every cask which he shall neglect or refuse to cause to be conveyed to the powder-house as aforesaid, and in proportion for any less quantity: That no vessel of war or other vessel shall take on board any powder, before such vessel shall have departed from the wharf, upon the penalty of the master's paying a fine of two dollars for every cask so taken on board. And that the keeper of the powder-house be allowed the same fees as heretofore have been allowed by law for delivering out every hundred weight of powder, and in proportion for a greater or less quantity.

Sec. 11. *And be it further enacted,* That no person whosoever shall fire a gun or other fire-works within one hundred yards of the said powder-house, upon the penalty of two dollars for every such offence, to be recovered by the Town-Treasurer, for the use of said town.

Guns, &c. not to be fired near the powder-house.

Sec. 12. *And be it further enacted,* That no ship or vessel, having more than five barrels of gun-powder on board, shall come to anchor in the harbour of Newport, any where to the eastward of Goat-Island, and lie there more than twenty-four hours, after notice and warning shall be given by the President of the Town-Council of the said town, upon the penalty of two dollars per barrel for every barrel of gun-powder on board such ship or vessel, coming to and remaining at anchor contrary to this act, to be recovered of the master, supercargo, or owner of such ship or vessel, by the Town-Treasurer of the said town, to and for the use of said town.

Vessels with powder not to anchor within the harbour.

Sec.





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Time being, or the major Part of them present at any Fire, shall have the same Power in every Respect as is given to the Governor, Deputy Governor, and Assistants, by the said former Act.

AND WHEREAS by the former Law, a Fine is laid on any Person who shall refuse or neglect to obey the Firewards at any Fire which shall break out in the Town of *Newport*; but no Provision is made by the said Act respecting the necessary Proof. *Be it therefore further Enacted by the Authority aforesaid*, That the Oath of One or more of the Firewards shall be sufficient to convict any Person of Disobedience.

AND *be it further Enacted by the Authority aforesaid*, That every Person who shall import Gun-powder into the Town of *Newport* aforesaid, shall cause the same to be conveyed immediately to the Powder-House at the North-Easterly Part of the Town, before the Vessel in which the said Powder shall be imported, be brought to any Wharf; upon the Penalty of paying into the Town-Treasury of the said Town of *Newport*, a Fine of Ten Shillings Lawful Money, for every Cask which shall not be conveyed to the Powder-House as aforesaid. That every other Person who shall have Gun-powder in his or her Possession, and shall neglect or refuse to cause the whole of the same to be conveyed to the said Powder-House immediately, excepting 25lb. which shall be kept in a Tin Powder-Flask, shall pay as a Fine into the Town-Treasury aforesaid, the Sum of Ten Shillings Lawful Money, for every Cask he or she shall neglect or refuse to cause to be conveyed to the Powder-House as aforesaid, and in Proportion for any less Quantity. That no Vessel of War or other Vessel shall take on board any Powder before they go from the Wharf, upon the Penalty of paying a Fine of Ten Shillings Lawful Money, for every Cask so taken on board. And that the Keeper of the Powder-House be allowed the same Fees as heretofore hath been allowed by Law, for delivering out every Hundred Weight of Powder, and in Proportion for a greater or less Quantity.

AND *be it further Enacted by the Authority aforesaid*, That no Person whatsoever shall fire a Gun or other Fire-Works within One Hundred Yards of the said Powder-House, upon the Penalty of paying a Fine of Ten Shillings Lawful Money, for every such Offence, to be recovered by the Town Treasurer, for the Use of the said Town.

AND *be it further Enacted by the Authority aforesaid*, That all the Fines that shall accrue by Virtue of this Act, shall be recovered by the Town-Treasurer, before any Two Justices of said Town, by Action of Debt.

AND *be it further Enacted by the Authority aforesaid*, That the Firewards be annually chosen as other Town Officers are.

It is Voted and Resolved, That *Edward Scott*, Esq; and *Mr. John Dockroy*, be, and they are hereby appointed a Committee, to audit the  
 D Agents



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ten dollars nor more than twenty dollars, with all costs of prosecution, which fine shall be paid into the town treasury of said town, to and for the use of the free schools of said town.

Sec. 2. *And be it further enacted,* That if any licensed retailer, other than tavern-keepers, shall hereafter on the Sabbath day, sell or deliver, within the limits of said town, to any person or persons, any wine, brandy, rum, gin or other strong liquor, such licensed retailer shall, upon complaint and conviction thereof as aforesaid, pay as a fine a sum not less than ten dollars nor more than twenty dollars, to be paid and appropriated as aforesaid, and such person's license shall thereupon be forfeited.

Sec. 3. *And be it further enacted,* That if any person or persons shall, at any time hereafter, fire any gun or pistol in any of the streets, roads, lanes, buildings, or from any of the walls or fences thereto contiguous, and within the compact part of said town, without justifiable cause, such person or persons shall, upon complaint and conviction thereof as aforesaid, pay a fine not less than two dollars nor more than four dollars for the first offence, and the sum of four dollars for each and every subsequent offence, to be paid and appropriated as aforesaid.

Sec. 4. *And be it further enacted,* That if any person or persons shall drive any horse or horses in any dray, trucks, cart, waggon, sled or sleigh, or other vehicle, through any street, road or lane, within the compact part of the town of Bristol, faster than upon a walk, without holding such horse or horses with a bridle or reins, such person or per-

*Town of Bristol.*

sons shall, upon complaint and conviction thereof as aforesaid, pay as a fine the sum of five dollars for the first offence, and ten dollars for every subsequent offence, to be paid and appropriated as aforesaid.

Sec. 5. *And be it further enacted,* That if any person or persons shall hereafter, in the night time, cry or otherwise falsely and mischievously raise the alarm of fire, or shall, to the number of two or more, go about the streets in said town in a noisy or riotous or routous manner, to the disturbance, fear or alarm of any of the people of said town, it shall be lawful for and the duty of any Justice of the Peace or Warden, and for the Sheriff of the county of Bristol, or either of his deputies, on view thereof, to take up such person or persons, and him or them to commit to the jail in said town, and in close custody keep until such person or persons shall have paid as a fine the sum of two dollars, to be paid and appropriated as aforesaid.

Sec. 6. *And be it further enacted,* That if any person or persons shall hereafter play at or with any foot ball or bat ball in any of the roads, streets or lanes, within the compact part of the town of Bristol, such person or persons shall, upon complaint and conviction thereof as aforesaid, pay a fine of one dollar for the first offence, and two dollars for every subsequent offence, to be paid and appropriated as aforesaid.

Sec. 7. *And be it further enacted,* That if any horse or horses shall at any time hereafter be found going at large in any of the roads or streets within the compact part of the town of Bristol, it shall be lawful for and the duty of the pound-keeper, town ser-

## PUBLIC LAWS

*Of the State of Rhode-Island and Providence Plantations, passed since the session of the General Assembly, in February, A. D. 1819.*

*AN ACT to amend the third section of the act, entitled "An act to prevent the detention of fines from the proper offices."* May 7, 1819.

**B**E it enacted by the General Assembly, and by the authority thereof it is enacted, That every Justice of the Peace or Warden shall, on the first day of the May session of the General Assembly, annually, make return to the General Treasurer, whether he hath collected any fines due to the State during the last year, and until that time, and the amount and circumstances of such fines, if any by him collected, and shall pay over the same to the General Treasurer; and that if any Justice of the Peace or Warden shall neglect to make return as aforesaid, or shall neglect to pay over the fines by him collected, he shall be ineligible to the said office of Justice of the Peace or Warden; and that the said third section of said act be and the same is hereby repealed.

Justices to make return first Wednesday in May.

**R**ESOLVED, That town-sergeants and constables, and other waiters, shall hereafter be allowed one dollar per day for attendance upon the General Assembly, and upon the Supreme Judicial Court and Courts of Common Pleas.

May 7, 1819. Compensation to waiters.



titled "An act relating to incorporated Banks in this State, and in addition to the act to regulate process against banks and insurance companies, and for other purposes therein mentioned," be and the same is hereby repealed, from and after the first day of January, A. D. 1821.

Feb 26 1820.  
Compens-  
tion to jailers  
reduced.

**R**ESOLVED, That the resolution passed at the October session of the General Assembly, 1816, repealing the resolution passed at the June session, 1816, allowing additional compensation to jail keepers for boarding State prisoners, be and the same is hereby repealed.

Feb. 26, 1820. *AN ACT to prevent certain disorders in the town of Bristol.*

Act regulat-  
ing town of  
Bristol.

**S**ection 1. **B**E it enacted by the General Assembly, and by the authority thereof it is enacted, That no person or persons shall hereafter ring or toll any or either of the bells, at any or either of the places of public worship, in the town of Bristol, between the hour of nine o'clock in the evening and sunrise the next morning, except in cases of fire; nor shall ring or toll either of said bells during the time of public worship on christmas days; and that if any person or persons shall ring or toll either of said bells contrary to the true intent and meaning of this act, such person or persons, and each and every of them, shall, upon complaint and conviction thereof before any Justice of the Peace within the county of Bristol, pay as a fine a sum not less than

ten dollars nor more than twenty dollars, with all costs of prosecution, which fine shall be paid into the town treasury of said town, to and for the use of the free schools of said town.

Sec. 2. *And be it further enacted,* That if any licensed retailer, other than tavern-keepers, shall hereafter on the Sabbath day, sell or deliver, within the limits of said town, to any person or persons, any wine, brandy, rum, gin or other strong liquor, such licensed retailer shall, upon complaint and conviction thereof as aforesaid, pay as a fine a sum not less than ten dollars nor more than twenty dollars, to be paid and appropriated as aforesaid, and such person's license shall thereupon be forfeited.

Sec. 3. *And be it further enacted,* That if any person or persons shall, at any time hereafter, fire any gun or pistol in any of the streets, roads, lanes, buildings, or from any of the walls or fences thereto contiguous, and within the compact part of said town, without justifiable cause, such person or persons shall, upon complaint and conviction thereof as aforesaid, pay a fine not less than two dollars nor more than four dollars for the first offence, and the sum of four dollars for each and every subsequent offence, to be paid and appropriated as aforesaid.

Sec. 4. *And be it further enacted,* That if any person or persons shall drive any horse or horses in any dray, trucks, cart, waggon, sled or sleigh, or other vehicle, through any street, road or lane, within the compact part of the town of Bristol, faster than upon a walk, without holding such horse or horses with a bridle or reins, such person or per-

sons shall, upon complaint and conviction thereof as aforesaid, pay as a fine the sum of five dollars for the first offence, and ten dollars for every subsequent offence, to be paid and appropriated as aforesaid.

Sec. 5. *And be it further enacted,* That if any person or persons shall hereafter, in the night time, cry or otherwise falsely and mischievously raise the alarm of fire, or shall, to the number of two or more, go about the streets in said town in a noisy or riotous or routous manner, to the disturbance, fear or alarm of any of the people of said town, it shall be lawful for and the duty of any Justice of the Peace or Warden, and for the Sheriff of the county of Bristol, or either of his deputies, on view thereof, to take up such person or persons, and him or them to commit to the jail in said town, and in close custody keep until such person or persons shall have paid as a fine the sum of two dollars, to be paid and appropriated as aforesaid.

Sec. 6. *And be it further enacted,* That if any person or persons shall hereafter play at or with any foot ball or bat ball in any of the roads, streets or lanes, within the compact part of the town of Bristol, such person or persons shall, upon complaint and conviction thereof as aforesaid, pay a fine of one dollar for the first offence, and two dollars for every subsequent offence, to be paid and appropriated as aforesaid.

Sec. 7. *And be it further enacted,* That if any horse or horses shall at any time hereafter be found going at large in any of the roads or streets within the compact part of the town of Bristol, it shall be lawful for and the duty of the pound-keeper, town ser-

geant, or either of the field drivers or constables of said town, to take up such horse or horses, and the same to impound; and the owner or owners thereof shall not receive such horse or horses again until such owner or owners shall produce a certificate from the town treasurer of said town, shewing that he has been paid a fine of fifty cents, which shall be appropriated as aforesaid; and such owner or owners shall also pay to the pound-keeper the further sum of fifty cents for each horse so impounded, and all reasonable charges for the keeping of said horse or horses; and in case the owner or owners thereof shall neglect to comply with the provisions of this act, on notice of the impounding as aforesaid, it shall be lawful for the pound-keeper to consider such horse or horses as an estray or estrays, and may proceed therewith as with an estray, and under the act, entitled "An act for the crying of horses, neat cattle, sheep and hogs."

*Be it enacted by the General Assembly, and by the authority thereof it is enacted,*  
That the town of Bristol be empowered to pass the seven sections of the foregoing bill, entitled "An act to prevent certain disorders in the town of Bristol," as the by-laws of said town; substituting for the enacting clauses now prefixed to said several sections, such enacting clauses as are proper for the authority of said town.

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THE  
CHARTER AND ORDINANCES  
OF THE  
CITY OF PROVIDENCE;  
WITH THE  
ACTS OF THE GENERAL ASSEMBLY  
RELATING TO THE CITY.

---

PUBLISHED BY ORDER OF THE CITY COUNCIL.



PROVIDENCE:  
KNOWLES AND VOSE, PRINTERS.  
1845.

commit any mischief, quarrel, or otherwise behave in a disorderly manner, in any of the public streets, gangways, alleys or lanes in said city, or any of the public wharves or public lands in said city, to the disturbance or annoyance of the peaceable inhabitants thereof, or any portion of them, or shall aid, assist, encourage or promote the same to be done by any other person or persons, shall forfeit and pay to the use of the city a sum not exceeding twenty dollars, nor less than one dollar, to be recovered by proper legal process before any court of competent jurisdiction.

---

*An Ordinance to prevent the firing of guns and pistols in the streets and other public places.*

|                                                            |                        |
|------------------------------------------------------------|------------------------|
| SECTION<br>1. No guns, &c., to be fired in any street, &c. | SECTION<br>2. Penalty. |
|------------------------------------------------------------|------------------------|

SECTION 1. *Be it ordained by the city council of the city of Providence*, that no person shall fire any gun or pistol, in any street or lane, or on any public wharf or public lands, within said city, after sunrise and before sunset.

SEC. 2. That every person who shall violate any provision of this ordinance shall forfeit and pay the sum of two dollars, to and for the use of the city, to be sued for and recovered by proper legal process before any court of competent jurisdiction.

---

*An Ordinance to prohibit the opening of places of trade or entertainment on Sundays or late at night.*

|                                                                                  |                        |
|----------------------------------------------------------------------------------|------------------------|
| SECTION<br>1. No shop, &c., to be opened after 11 o'clock, P. M., nor on Sunday. | SECTION<br>2. Penalty. |
|----------------------------------------------------------------------------------|------------------------|

*It is ordained by the city council of the city of Providence, as follows, viz :*

SECTION 1. No shop, store, or other place of trade or entertainment in this city, excepting licensed taverns, shall hereafter be kept open after eleven o'clock in the evening, nor be opened before daylight in the morning; nor shall any such shop, store, or place of trade or entertainment, be opened on Sunday, nor any article sold therein on that day: provided

# PUBLIC LAWS

OF THE

## STATE OF RHODE-ISLAND

AND

### PROVIDENCE PLANTATIONS,

AS REVISED BY A COMMITTEE, AND FINALLY ENACTED BY THE GENERAL ASSEMBLY  
AT THE SESSION IN JANUARY, 1844.

TO WHICH ARE PREFIXED,

THE CHARTER OF CHARLES II., DECLARATION OF INDEPENDENCE,  
RESOLUTION OF GENERAL ASSEMBLY TO SUPPORT THE DECLARATION OF INDEPENDENCE,  
ARTICLES OF CONFEDERATION, CONSTITUTION OF THE UNITED STATES, PROCEED-  
INGS OF THE CONVENTION ON THE ADOPTION OF THE CONSTITUTION OF THE  
UNITED STATES BY RHODE-ISLAND, PRESIDENT WASHINGTON'S AD-  
DRESS OF SEPTEMBER, 1796, AND CONSTITUTION OF THE STATE  
OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS.

---

PROVIDENCE :  
PRINTED AND PUBLISHED BY KNOWLES & VOSE.

1844.



Entered according to Act of Congress, in the year 1844, by Knowles & Vose, in the  
Clerk's office of the District Court of Rhode-Island.

or shall hereafter exempt from military duty or from serving as jurors any portion of the members of any such company, elected by any village, district or town, it shall be the duty of the clerk of every such company annually, and within ten days after his election, to return to the town clerk of the town in which any member of such company may reside, a list of the names of such members as are or shall be so exempted and resident in such town.

SEC. 5. Every justice of the peace, unless where special provision be made to the contrary, in any town in which is any fire engine, hook and ladder, stationary engine or hydraulion company, the members of which are chosen by such town, or by any village or district or incorporated company within it, is fully authorized and empowered to take cognizance of any breach of any by-law or act that is or shall be lawfully made by such town, district, village or corporation, relating to the management of said engine or apparatus within the town in which such justice lives; to make up judgment pursuant to the same, and award execution for all penalties incurred thereby. Any person who shall think himself aggrieved at any such judgment may appeal therefrom to the next court of common pleas in the same county, observing the same rules as in other cases of appeal.

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*An Act in relation to the Discharge of Fire-Arms, and the firing and selling of Fire-Works.*

## SECTION

1. Forfeiture for firing guns loaded with ball or shot across road, street, &c.
2. Forfeiture for making bonfire in public street, &c.
3. Forfeiture for firing musket, &c., in Providence—in certain other towns and places.

## SECTION

4. Forfeiture for selling fire works without license—or using the same.
5. Forfeiture for firing gun, &c., between sunset and sunrise.
6. Forfeitures, how recovered and appropriated.

*It is enacted by the General Assembly, as follows :*

SECTION 1. If any person shall fire any rifle, gun, musket, blunderbuss or pistol, loaded with a bullet or shot, in or across any road, street, square or lane, he shall forfeit and pay not less than three dollars nor more than ten dollars.

SEC. 2. If any person shall make a bonfire in any public street, road, square or lane, without special permission from the town council of the town in which the same shall be made, he shall forfeit a sum not exceeding ten dollars.

**SEC. 3.** If any person shall fire any musket, rifle, fowling-piece, blunderbuss or other small arms, not being at the time under military duty, within the following limits, viz: the whole city of Providence excepting the public waters and the public rivers therein; also such parts of the towns of Cranston and Johnston as are contained within the following limits, to wit: beginning on the Pawtuxet road, at the Providence line; thence running southerly on said Pawtuxet road until it comes to the cross road leading to Cranston road; thence northerly and westerly with said cross road and Cranston road until it comes to the road which leads over Rocky-hill to Johnston meeting-house; thence northerly with said last mentioned road until it meets the Johnston road near Johnston meeting-house; thence easterly with said Johnston road until it comes to the line of Providence, to the place of beginning; also within one mile upon land from the State-house in the town of Bristol; and the whole town of North-Providence; except upon land owned or occupied by him, or except on other days than the first day of the week, by permission of the owner or occupant of the land on and into which he may shoot, he shall forfeit and pay the sum of five dollars for the first offence, and ten dollars for every subsequent offence.

**SEC. 4.** If any person shall sell, offer for sale, enkindle or use, or suffer to be sold, offered for sale, enkindled or used, by his wife, children or servants or other persons whomsoever, any rocket, cracker, squib or other fire-works of a combustible nature ordinarily used for exhibition or amusement, unless he shall previously obtain special license from the town council of the town, and for the purpose of exhibition on a suitable occasion, he shall forfeit and pay the sum of ten dollars for each offence.

**SEC. 5.** If any person shall fire any gun, rifle, musket or blunderbuss in any road, street, lane or tavern, or other public house, after sun-setting and before sun-rising, he shall forfeit the sum of five dollars for the first offence, and seven dollars for every subsequent offence.

**SEC. 6.** All forfeitures accruing under this act shall be recovered by action of debt before any justice of the peace in the town where they shall be incurred; one half thereof to and for the use of the state, and the other half to and for the use of the person who shall sue for the same. But no such action shall be sustained unless commenced within thirty days from the time the same shall accrue.

At the General Assembly of the STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS, begun and holden by adjournment at Providence, within and for said State, on the third Monday of January, in the year of our Lord one thousand eight hundred and forty-nine, and of Independence the seventy-third.

PRESENT:

His Excellency ELISHA HARRIS, Governor.

His Honor EDWARD W. LAWTON, Lt. Governor.

SENATORS FROM THE SEVERAL TOWNS:

|                   |                         |
|-------------------|-------------------------|
| Newport,          | EDWARD CLARKE.          |
| Providence,       | STEPHEN BRANCH.         |
| Portsmouth,       | WILLIAM BARKER.         |
| Warwick,          | WILLIAM D. BRAYTON.     |
| Westerly,         | WELCOME A. HOXIE.       |
| New Shoreham,     | SIMON R. SANDS.         |
| North Kingstown,  | JEREMIAH G. CHADSEY.    |
| South Kingstown,  | ELISHA R. POTTER.       |
| East Greenwich,   |                         |
| Jamestown,        | ANDREW F. POTTER.       |
| Smithfield,       | GIDEON BRADFORD.        |
| Scituate,         | ALBERT HUBBARD.         |
| Glocester,        | AMASA EDDY.             |
| Charlestown,      | JAMES N. KENYON.        |
| West Greenwich,   | ROBERT HAZARD.          |
| Coventry,         | CHRISTOPH'R A. WHITMAN. |
| Exeter,           | SCHUYLER FISHER.        |
| Middletown,       | NATHANIEL GREENE.       |
| Bristol,          | GEORGE PEARCE.          |
| Tiverton,         | JOSEPH OSBORN.          |
| Little Compton,   |                         |
| Warren,           | HAILE COLLINS.          |
| Cumberland,       | OLNEY BALLOU.           |
| Richmond,         | BENJAMIN T. REYNOLDS.   |
| Cranston,         | CHARLES GOODWIN.        |
| Hopkinton,        | GEORGE W. HOLDREDGE.    |
| Johnston,         | EPHRAIM WINSOR.         |
| North Providence, | LEMUEL ANGELL.          |
| Barrington,       | HENRY SMITH.            |
| Foster            | MOWRY P. ARNOLD.        |
| Burrillville,     | DUTY LAPHAM.            |

*THE SECRETARY.*

CHRISTOPHER G. PERRY, Esq. Clerk.

# JANUARY, 1849.

## REPRESENTATIVES FROM THE SEVERAL TOWNS.

### *Newport.*

Henry Y. Cranston,  
Christopher E. Robbins,  
Joseph Anthony,  
Henry E. Turner,

### *Providence.*

Robert Angell,  
Jabez Gorham,  
Henry L. Bowen,  
William R. Watson,  
Samuel Ames,  
James T. Rhodes,  
Shubael Hutchins,  
George S. Rathbone,  
James C. Hidden,  
Edward H. Hazard,  
William Sheldon,  
Israel G. Manchester,

### *Portsmouth.*

Edward Coggeshall.

### *Warwick.*

Cyrus Harris,  
William B. Spencer,  
John Holden,  
Pardon Spencer.

### *Westerly.*

Nathan F. Dixon.

### *New Shoreham.*

Edward Mott.

### *North Kingstown.*

Sylvester G. Shearman,  
William D. Davis.

### *South Kingstown.*

Elisha Watson,  
Carder Hazard.

### *East Greenwich.*

John G. Reynolds.

### *Jamestown.*

John M. Douglass.

### *Smithfield.*

Daniel Pearce,  
John Fenner,  
Amasa Smith,  
Israel Sayles,  
Alden Coe,  
Edwin W. Mowry.

### *Scituate.*

Horace S. Patterson,  
Arthur F. Aldrich,  
George Aldrich.

### *Glocester.*

Smith Peckham,  
Cyrus Farnum.

### *Charlestown.*

Joseph Gavitt.

### *West Greenwich.*

Nathan Carr.

### *Coventry.*

Thomas Whipple,  
Amos Fiske.

### *Exeter.*

Isaac Greene.

### *Middletown.*

Samuel Gould.

### *Bristol.*

John D'Wolf,  
William H. S. Bayley.

### *Tiverton.*

Robert Gray,  
Cook Borden.

### *Little Compton.*

John Church.

### *Warren.*

Alfred Bosworth,  
Charles Randall.

### *Cumberland.*

Fenner Brown,  
George L. Dana,  
Olney Arnold.

### *Richmond.*

Welcome Prosser.

### *Cranston.*

Isaac N. Sprague,  
Nathan Porter.

### *Hopkinton.*

Joseph T. Barber.

### *Johnston.*

Resolved Waterman,  
Samuel Irons.

### *North Providence.*

John H. Weeden,  
Thomas Davis,  
Jesse S. Tourtellot.

### *Barrington.*

Stillman Welch.

### *Foster.*

John Austin.

### *Burrillville.*

Esten Angell.

HON. SYLVESTER G. SHEARMAN of North Kingstown, Speaker.  
BENJAMIN T. EAMES and WINGATE HAYES, Esquires, Clerks.

mother and only surviving parent of Sarah Capurna Jacobs, daughter of said Maria, four years of age, praying for leave for said Ransom and Lucy A. Tift to adopt said child : *Voted and resolved*, that the prayer of said petition be and the same is hereby granted ; that said Ransom and Lucy A. are hereby authorized to adopt said child ; that said child may have the name of Sarah Capurna Jacobs Tift ; that she shall succeed to all the rights of inheritance and otherwise as if she were the natural born child of her adopted parents, and that the rights and liabilities of said petitioners and said child shall be the same as if she the said Sarah Capurna Jacobs were the lawful issue of said Ransom and Lucy A. Tift.

---

AN ACT for the better ordering the Police of the town of Cumberland, and Bridewell to be established therein.

*It is enacted by the General Assembly as follows :*

Section 1. That the town council of the town of Cumberland be and they are hereby empowered to make and ordain all such regulations respecting a Bridewell to be established in said town, as to them shall seem necessary, not being contrary to the constitution or laws of this state, and to appoint a keeper thereof ; which regulations shall be firm and valid for the good government of the said bridewell.

Police  
Cumber  
land.

Sec. 2. Any justice of the peace in said town of Cumberland may by warrant issued upon the complaint of any person upon oath, or from facts within his own knowledge, cause to be brought before him any drunken, riotous or disorderly person or persons who may be detected in reveling in the streets, committing any sort of mischief, quarreling, or otherwise behaving in a riotous and disorderly manner to the disturbance and annoyance of the peaceable citizens of said town, and him, her or them sentence to the said bridewell for a time not exceeding thirty-six hours, and the payment of costs ; and in default of the payment of said costs to stand committed until the same shall be paid or remitted by the committing magistrate or the town council ; which commitment shall be by a mittimus in writing, under hand

and seal, stating the offence, and directed to the sergeant or either of the constables of said town to convey, and to the keeper of said bridewell to receive the person or persons so offending, into his custody.

Sec. 3. If any person shall at any time hereafter fire any gun or pistol in any of the streets, roads, lanes, buildings, or from any of the walls or fences thereto contiguous and within the compact part of said town known as Woonsocket, without justifiable cause, such person or persons shall upon complaint and conviction thereof before any justice of the peace in said town, pay as a fine not less than two dollars nor more than five dollars, with costs of prosecution; which fine shall be paid into the town treasury for the use of said town.

Sec. 4. If any person or persons shall drive any horse or horses in any dray, truck, cart or wagon, sled, sleigh or other vehicle, through any street, road or lane within the said village of Woonsocket, faster than upon a common travelling pace, such person or persons shall upon complaint and conviction thereof as aforesaid, pay as a fine the sum of two dollars, to be paid and appropriated as aforesaid.

Sec. 5. If any person or persons shall hereafter in the night time, cry or otherwise falsely or mischievously raise the alarm of fire in said village of Woonsocket, such person or persons shall on complaint and conviction thereof as aforesaid, pay as a fine the sum of three dollars, to be paid and appropriated as aforesaid.

Sec. 6. All complaints made under either or any of the sections of this act, shall be made in the manner and form and with like surety for costs as is by law now required in all complaints within the jurisdiction of a justice of the peace.

Sec. 7. No expense of erecting or conducting said bridewell, or of any commitments under this act, shall be chargeable to the state.

---

#### AN ACT in relation to the Old State Debt.

*It is enacted by the General Assembly as follows :*

State  
Debt.

Section 1. The Governor, Lieutenant-Governor and Secretary of State for the time being, are hereby appointed a board of managers to select a committee of

ACTS AND RESOLVES  
OF THE  
GENERAL ASSEMBLY

OF THE  
State of Rhode Island and Providence Plantations,

PASSED JANUARY, 1851,

BEING THE ADJOURNMENT OF THE ANNUAL OCTOBER SESSION, 1850,

WITH THE ROLL OF MEMBERS, PROCEEDINGS OF THE TWO HOUSES IN  
GRAND COMMITTEE, AND REPORTS ORDERED TO BE PUBLISHED.



State of Rhode Island, &c.  
OFFICE OF THE SECRETARY OF STATE, MARCH, 1851.

---

PROVIDENCE:  
JOSEPH KNOWLES, STATE PRINTER.  
1851.



¶ The General Assembly convened at Providence, agreeably to the act of the Governor adjourning the same, on the third Monday in January, 1851, and adjourned on Saturday, the 22d day of February, following.

ury towards the support and maintenance of each insane pauper, who may be placed at the Butler Hospital, and who shall have become chargeable to any town in this State, since the thirty-first day of December, A. D. 1850.

---

AN ACT in amendment of an act entitled an act relating to theatrical exhibitions and places of amusement.

*It is enacted by the General Assembly, as follows :*

Section 1. No pistol gallery, or rifle gallery, or any other building, or enclosure, where fire arms are used for practicing in firing with ball or shot, shall hereafter be kept in the compact part of the town of Newport, under a penalty of two hundred dollars for the first offence, and five hundred dollars for every subsequent offence ; to be recovered, to and for the use of the State, by indictment in any court proper to try the same. And the town council of said town is hereby authorized and directed to define the limits of the compact part of said town, which limits shall be taken and deemed, to all intents under this act, to comprehend the compact part of said town.

Pistol and rifle galleries prohibited in the compact part of Newport.

Sec. 2. The town council of said town is hereby authorized and required to assess, levy and collect a tax not exceeding two hundred dollars per annum on any person who shall own or keep a pistol gallery, rifle gallery, or other building or enclosure, referred to in the preceding section, which tax shall be collected and appropriated in the same manner as is provided in the fifth section of the act of which this is in amendment in regard to the tax therein mentioned.

---

AN ACT in amendment of an act to prevent hawking and peddling without license.

*It is enacted by the General Assembly as follows :*

Section 1. Every petty chapman, jobber, trader, or other person, not an inhabitant of, and not assessed for taxes in the town in which he or she would establish himself or herself for transacting business in the sale of any kind of merchandize, shall, previous to the exposing for sale any such merchandize, obtain from the town

Hawking and peddling of merchandize further regulated.



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**Bluebook 21st ed.**

Revised Statutes of the State of Rhode Island and Providence Plantations: To Which Are Prefixed, the Constitutions of the United States and of the State (1857).

**ALWD 7th ed.**

. Revised Statutes of the State of Rhode Isl& & Providence Plantations: To Which Are Prefixed, the Constitutions of the United States & of the State (1857).

**APA 7th ed.**

(1857). Revised Statutes of the State of Rhode Island and Providence Plantations: To Which Are Prefixed, the Constitutions of the United States and of the State. Providence, Sayles, Miller and Simons.

**Chicago 17th ed.**

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**McGill Guide 9th ed.**

Revised Statutes of the State of Rhode Isl& & Providence Plantations: To Which Are Prefixed, the Constitutions of the United States & of the State (Providence: Sayles, Miller and Simons., 1857)

**AGLC 4th ed.**

Revised Statutes of the State of Rhode Island and Providence Plantations: To Which Are Prefixed, the Constitutions of the United States and of the State (Sayles, Miller and Simons., 1857)

**MLA 9th ed.**

Revised Statutes of the State of Rhode Island and Providence Plantations: To Which Are Prefixed, the Constitutions of the United States and of the State. Providence, Sayles, Miller and Simons. HeinOnline.

**OSCOLA 4th ed.**

Revised Statutes of the State of Rhode Island and Providence Plantations: To Which Are Prefixed, the Constitutions of the United States and of the State. Providence, Sayles, Miller and Simons. Please note: citations are provided as a general guideline. Users should consult their preferred citation format's style manual for proper citation formatting.

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## CHAPTER 80.

OF BOWLING-ALLEYS, BILLIARD TABLES AND SHOOTING GAL-  
LERIES.

| SECTION                                                                                 | SECTION                                                                |
|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| 1. Bowling-alleys in compact parts of towns except Providence prohibited under penalty. | 5. Owner of premises deemed keeper of bowling-alley or billiard table. |
| 2. Pistol or rifle gallery in compact part of Newport prohibited; penalty.              | 6. Regulations relating to bowling-alleys in Providence.               |
| 3. Town council to define limits.                                                       | 7. Town councils to collect tax for keeping bowling-alleys, &c.        |
| 4. Penalty for neglect to comply with orders of town councils.                          | 8. Tax, of whom to be collected.                                       |
|                                                                                         | 9. How collected and appropriated.                                     |

SECTION 1. Any person who shall keep any bowling-alley, in the compact part of any town, except the city of Providence, shall be fined two hundred dollars for the first offence, and five hundred dollars for the second offence.

SEC. 2. Any person who shall keep any pistol gallery, rifle gallery, or other building or inclosure where fire-arms are used for practising in firing with ball or shot, in the compact part of the city of Newport, shall be fined two hundred dollars for the first offence, and five hundred dollars for each subsequent offence.

SEC. 3. The town council of each town shall define the limits of the compact part of such town; which limits shall be taken and deemed to comprehend the compact part of such town within the meaning of this chapter.

SEC. 4. The keeper of any bowling-alley or billiard table who shall refuse or neglect to comply with any order or decree relating thereto which any town council shall be authorized to make, shall be fined fifty dollars.

SEC. 5. The owner or occupier of the premises on which any bowling-alley or billiard table is situated, shall be deemed and taken as the keeper of such bowling-alley or billiard table within the meaning of the provisions of this chapter.

SEC. 6. The board of aldermen of the city of Providence may regulate bowling-alleys in said city, and make orders as to the manner of building the same, and the hours during which they may be used; and in case of any such order being disobeyed, they may issue their warrant directed to the city sergeant or to any constable, commanding him to take up and destroy any bowling-alley which may be kept in violation of any such order; and it shall be the duty of any city sergeant or constable to whom any such warrant may be delivered, forthwith to execute the same.

SEC. 7. The town council of each town shall assess, levy and collect a tax, not exceeding two hundred dollars, nor less than twenty-five dollars, per annum, on any person who shall own or keep a billiard table for public use and profit in such town for each billiard table by him kept; and a tax not exceeding twenty-five

dollars, nor less than five dollars, per annum, on any person who shall own or keep a bowling-alley in such town except in the city of Providence, for each bowling-alley by him kept: and a tax not exceeding two hundred dollars per annum on any person who shall own or keep a bowling-alley in said city of Providence for each bowling-alley by him kept, and a tax not exceeding two hundred dollars per annum on any person who shall own or keep a pistol gallery, rifle gallery, or other building or inclosure referred to in the second section hereof.

SEC. 8. The town council may assess, levy and collect the tax aforesaid, for any billiard table or bowling-alley, on any person who shall own or occupy the house or building in which such billiard table or bowling-alley shall be kept.

SEC. 9. Such taxes shall be collected in the manner prescribed for the collection of town taxes, and appropriated, the one half thereof to the use of the town in which such tax shall be collected, and the other half to the use of the state.

## CHAPTER 81.

### OF FIRE-ARMS AND FIRE-WORKS.

#### SECTION

1. Firing of rifle, gun, &c., across road, street or lane prohibited.
2. Making bonfire in such places without permission.
3. Person discharging fire-arms on Sunday on land of another to be fined.
4. Penalty for the discharge of fire-arms within certain limits.

#### SECTION

5. Selling or using fire-works without license, prohibited.
6. Penalty for discharging fire-arms between sunset and sunrise.
7. Complaints, within what time to be made.

SECTION 1. If any person shall fire any rifle, gun, musket, blunderbuss or pistol, in or across any road, street, square or lane, he shall be fined not less than three dollars nor more than twenty dollars.

SEC. 2. If any person shall make a bonfire in any public street, road, square or lane, without special permission from the town council of the town in which the same shall be made, he shall be fined not exceeding ten dollars.

SEC. 3. If any person shall fire any rifle, musket, fowling-piece, pistol or other small arms, not being under military duty at the time, within the limits of any town in the state on the first day of the week, except upon land owned or occupied by him, or by permission of the owner or occupant of the land on and into which he may shoot, he shall be fined not exceeding ten dollars, or be imprisoned not exceeding ten days.

SEC. 4. If any person shall fire any rifle, musket, fowling-piece,

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Geo Sumner, Esq  
with regards of  
W. W. Compton.

بیتاویں گروہوں میں سے  
کروڑوں کی تعداد میں  
موجود ہیں۔

Geo Sumner, Esq  
with regards of  
W. W. Canton.

THE  
C H A R T E R  
OF THE  
CITY OF NEWPORT, R. I.,  
AND THE  
SPECIAL STATE LAWS RELATING THERETO,  
TOGETHER WITH THE  
O R D I N A N C E S  
FOR THE GOVERNMENT OF THE CITY.

---

PUBLISHED BY ORDER OF THE CITY COUNCIL.

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NEWPORT, R. I.:  
COGGESHALL & PRATT, CITY PRINTERS.  
1858.

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MAYOR'S OFFICE,  
NEWPORT, R. I.,

*March 3, 1858.*

---

The City Charter and its amendments, the State Laws which are particularly applicable to this City, and the City Ordinances are published in this volume by order of the City Council. The Ordinances have been revised and prepared with great care, and it is hoped that they will not require any change for many years. The Charter is very defective, and it is much to be regretted that a more perfect Charter could not have been submitted to, and accepted by, the people previous to the publication of this volume.

W. H. CRANSTON, *Mayor.*

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**CITY CHARTER AND AMENDMENTS.**

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AN ACT PROVIDING IN CASE OF FIRE BREAKING OUT IN THE TOWN OF NEWPORT AND FOR THE PURPOSES THEREIN MENTIONED.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Firewards, their power in pulling down houses; owners thereof to be compensated; proviso.</li> <li>2. Firewards to be chosen; their power; penalty for disobeying their orders.</li> <li>3. Stealing in time of fire; how punished.</li> <li>4. Town to be furnished with fire-hooks.</li> <li>5. Persons to take care of them; may command assistance.</li> <li>6. Every house to be provided with buckets; penalty for neglect.</li> </ol> | <ol style="list-style-type: none"> <li>7. Examiners to be chosen.</li> <li>8. Penalty for refusing to use buckets.</li> <li>9. Buckets lost, to be paid for.</li> <li>10. Powder to be conveyed to powder-house; penalty for neglect; no vessel to lade powder at a wharf.</li> <li>11. No guns to be discharged near powder-house.</li> <li>12. Vessels with powder not to anchor within the harbor.</li> <li>13. Fines, how recovered.</li> </ol> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**SECTION 1.** *Be it enacted by the General Assembly, and by the authority thereof it is enacted,* That when any fire shall happen to break out in the town of Newport, the firewards of the town, or the major part of them present at any fire, shall and may, and are hereby empowered, to give directions for pulling down or blowing up any house or houses, as shall be by them adjudged meet and necessary to be pulled down or blown up, for stopping and preventing the further spreading of the same: and if it shall happen that the pulling down or blowing up of any house or houses shall be the occasion of stopping the progress of such fire, or that the fire stop before it comes to the same, then all and every owner of such house or houses shall receive reasonable satisfaction, and be paid for the same by the rest of the inhabitants of said town whose houses shall not be burnt, who are hereby empowered to make a tax for levying and raising such sum or sums of money as shall by the court of general sessions of the peace for the county of Newport be thought sufficient for that end; which court is hereby fully empowered and authorized, on application to them in this behalf made, to determine and make order thereon: *provided always,* that if the house or houses where



the fire shall first begin and break out, shall be adjudged fit to be pulled down or blown up, to hinder and prevent the spreading of the fire, that then the owner or owners of such house or houses shall receive no manner of satisfaction for the same; anything in this act to the contrary notwithstanding.

**SEC. 2.** *And be it further enacted,* That the freemen of said town of Newport shall, on their days for electing town officers, choose and appoint such a number of prudent persons, of known fidelity, in the several parts of the town, as they may think fit, who shall be denominated and called firewards, and have a proper badge assigned to distinguish them in their offices, to wit: a speaking trumpet painted red; and at the times of breaking forth of fire, and during the continuance thereof, they shall have full power and authority to command and require assistance for the extinction and putting out of the same, and for removing household furniture, goods and merchandize, out of any dwelling-house, store or other building actually on fire, or in danger thereof, and to appoint proper guards to take care of and secure the same; as also to require and command assistance for the pulling down or blowing up of any house or houses, and performing all and every service relating thereto, to stop and prevent the further spreading of the fire, and to suppress all tumults and disorders: and the said firewards from time to time appointed as aforesaid, are required, upon notice of the breaking forth of the fire, to take each one his badge, and repair immediately to the place, and vigorously exert their authority for obtaining assistance, and to use their utmost endeavors to extinguish or prevent the spreading of the fire, and to preserve and secure the estates of the inhabitants; and due obedience is required to be yielded to them and each of them accordingly in said service; and all disobedience, neglect or refusal in any person, shall be informed of to some of the justices of the peace of said town, within two days next after; and the offender upon conviction

thereof by the oath of one or more of the firewards, or other due proof made before any two of said justices, shall forfeit and pay as a fine, the sum of six dollars and sixty-six cents, to be levied by a warrant of distress, and when collected to be distributed at the discretion of the town council of Newport among such poor persons as were most distressed by the fire: and in case such offender or offenders shall be unable to pay the same, they shall be committed to jail, there to remain ten days.

SEC. 3. *And be it further enacted,* That if any evil-minded persons shall take advantage of such calamity to rob, plunder, purloin, embezzle, convey away or conceal any goods, merchandize or effects of the distressed inhabitants whose houses were on fire or endangered thereby, and put upon removing their goods, and shall not restore the same to the owner, (if known,) or bring the same to such public place as shall be assigned by the firewards of said town, within two days next after proclamation made for that purpose, the person or persons so offending, shall on conviction thereof be deemed thieves, and shall suffer the severest pains and penalties by law provided against such crimes.

SEC. 4. *And be it further enacted,* That there shall be kept, for the use and at the charge of the town of Newport, six fire-hooks, suitable for pulling down houses and other buildings, and the same number of ladders of a convenient length, one half of which fire-hooks and ladders shall be always kept at the lower market-house, and the other half at the market-house near the town school-house, or at such other places as the town of Newport shall direct: and that the same be made use of at the breaking out of any fire in said town, and upon no other occasion whatever.

SEC. 5. *And be it further enacted,* That eight persons be annually chosen by said town to have the care of the said fire-hooks, and ladders; and upon the breaking out of any fire, they are immediately to repair to the said fire-hooks and ladders, and cause them to be carried where they shall be

most wanted ; and after the fire shall be over, to cause them to be returned again to the places from whence they were brought : that the said persons and each of them shall have full power to command any persons to assist them in transporting the said ladders and fire-hooks ; and that whosoever shall refuse to assist, upon being commanded as aforesaid, shall pay as a fine into the town treasury, the sum of two dollars for every offence ; and that such persons, during the time for which they shall be appointed to the office aforesaid, shall be exempted from all such duties as the firemen chosen to take care of the engines are by law exempted from.

SEC. 6. *And be it further enacted,* That every house in the said town of Newport shall be furnished with two good leather buckets, with the owner's name painted at large thereon, and with a ladder that shall reach from the ground to the top of said house, or with a trap-door or scuttle in the roof of said house, with stairs or a ladder to go out of the garret upon the top of the house : and that for every dwelling house in said town of Newport, which shall not be furnished with two leather buckets, and a ladder to reach from the ground to the top of the house, or in the room of such ladder, a trap-door or scuttle in the roof of said house, and stairs or a ladder to go out of the garret upon the top of the house, the owner of said house shall pay as a fine into the town treasury the sum of two dollars for every six month's neglect ; but if the owner of the house doth not live in the town of Newport, the tenant or tenants shall pay such fines, and the same shall and may be deducted out of the rent of the house.

SEC. 7. *And be it further enacted,* That three persons shall be annually chosen by the said town of Newport, to examine every house in said town, twice a year, and make report of all delinquents unto the town council, who are hereby directed and empowered to cause every delinquent to be prosecuted.

SEC. 8. *And be it further enacted,* That every person in possession of a bucket, who shall neglect or refuse to make

use of the same himself, or deliver it to some other person to make use of, at any fire which shall break out in said town, or put his buckets to any other use but to extinguish fire; shall pay as a fine into the town treasury aforesaid, the sum of one dollar for every offence.

SEC. 9. *And be it further enacted,* That every bucket that shall be lost or damaged at any fire, upon satisfactory proof thereof being made before the town council, an order by them shall be given to the owner of such bucket on the town treasurer for as much money as will make good the loss or damage.

SEC. 10. *And be it further enacted,* That every person who shall import gunpowder into the said town of Newport, shall cause the same to be conveyed immediately to the powder-house at the northeasterly part of the town, before the vessel in which such powder shall be imported be brought to any wharf, upon the penalty of paying into the town treasury of the said town of Newport, a fine of two dollars for every cask which shall not be conveyed to the powder-house as aforesaid: that every other person who shall have gunpowder in his possession, and shall neglect or refuse to cause the whole of the same to be conveyed to the said powder-house immediately, excepting twenty-five pounds, which shall be kept in a tin powder-flask, shall pay as a fine into the town-treasury aforesaid, the sum of two dollars for every cask which he shall neglect or refuse to cause to be conveyed to the powder-house as aforesaid, and in proportion for any less quantity: that no vessel of war or other vessel shall take on board any powder before such vessel shall have departed from the wharf, upon the penalty of the master's paying a fine of two dollars for every cask so taken on board: and that the keeper of the powder-house be allowed the same fees as heretofore have been allowed by law for delivering out every hundred weight of powder, and in proportion for a greater or less quantity.

SEC. 11. *And be it further enacted,* That no person whosoever shall fire a gun or other fire-works within one hundred yards of the said powder-house, upon the penalty of two dollars for every such offence, to be recovered by the town treasurer for the use of said town.

SEC. 12. *And be it further enacted,* That no ship or vessel having more than five barrels of gunpowder on board, shall come to anchor in the harbor of Newport, anywhere to the eastward of Goat-Island, and lie there more than twenty-four hours, after notice and warning shall be given by the president of the town council of the said town, upon the penalty of two dollars per barrel for every barrel of gunpowder on board such ship or vessel, coming to and remaining at anchor contrary to this act, to be recovered of the master, supercargo or owner of such ship or vessel, by the town treasurer of the said town, to and for the use of said town.

SEC. 13. *And be it further enacted,* That all the fines that shall accrue by this act, shall be recovered by the town treasurer before any two justices of said town, by action of debt, except where it is otherwise directed in this act. [Passed 1822.]

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AN ACT RELATING TO THE FIRE ENGINE COMPANIES IN THE TOWN OF NEWPORT.

Town Council authorized to appoint fire-engine men for the several companies.

*Be it enacted by the General Assembly, and by the authority thereof it is enacted,* That the town council in the town of Newport be, and they hereby are, authorized to appoint, from time to time, so many fire-engine men to compose and constitute the several fire-engine companies in that town as said town council shall find necessary. [Passed February, 1836.]

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Penalty for making a bonfire in street, etc.

SEC. 2. Every person who shall make a bonfire in any public street, road, square or lane, without special permission from the town council of the town in which the same shall be made, shall be fined not exceeding ten dollars.

Penalty for discharging fire-arms or missiles within compact part of any town, etc.

Ch. 1180, sec. 2, of 1892.

SEC. 3. Every person, not being at the time under military duty, who shall discharge any rifle, gun, musket, blunderbuss, fowling-piece, pistol, air-gun, spring-gun, or other small arms, or any contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles, except upon land owned or occupied by him or by permission of the owner or occupant of the land on or into which he may shoot, within the compact part of any town or city, or, not being at the time on military duty, shall anywhere discharge any of such arms or contrivances on Sunday, shall be fined not exceeding twenty dollars.

Penalty for selling, etc., fire-works without license.

SEC. 4. Every person who shall sell, offer for sale, enkindle or use, or suffer to be sold, offered for sale, enkindled or used by his wife, children or servants or other persons whomsoever, any rocket, cracker, squib or other fire-works of a combustible nature ordinarily used for exhibition or amusement, unless he shall previously obtain special license from the town council of the town and for the purpose of exhibition on a suitable occasion, shall be fined ten dollars for each offence.

Penalty for discharging fire-arms between sunset and sunrise.

SEC. 5. Every person who shall discharge any gun, rifle, musket or blunderbuss in any road, street, lane or tavern or other public house, after sunsetting and before sunrise, shall be fined five dollars for the first offence and seven dollars for every subsequent offence.

Limitation of time for complaints.

SEC. 6. No complaint for a violation of any of the provisions of the preceding sections of this chapter shall be sustained unless the same shall be brought within thirty days after the commission of the offence, and all fines for such violations shall enure one-half thereof to the complainant and one-half thereof to the state.

Sale of cartridges, etc., to children, when forbidden.

Ch. 374, sec. 1, of 1883.

SEC. 7. No person shall sell to any child under the age of fifteen years, without the written consent of a parent or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge or of any fulminate.

Penalty.

Ch. 374, sec. 2, of 1883.

SEC. 8. Every person violating the provisions of the foregoing section shall be fined not less than ten dollars nor more than twenty dollars for each offence.



any justice of a district court, or officer authorized to issue a warrant under the laws of the state, such justice or officer shall issue a warrant to bring such witness before said fire-marshal to testify what such witness may know in relation to the subject-matter of inquiry. Such order may be executed, by any officer authorized by law to serve a warrant, by arresting and bringing such witness before the said fire-marshal, but such witness shall not be detained longer than is necessary to take such testimony.

SEC. 14. The fire-marshal may at all times of the day or night, in performance of the duties imposed by the provisions of this chapter, enter upon and examine any building or premises where any fire shall have occurred and the buildings and premises adjoining and near to that in which the fire occurred.

Marshal may at any time enter buildings, etc.

SEC. 15. Any town council may request of any fire-marshal in the state his services to make such investigation and examination within such town of the matters authorized by this chapter to be investigated and examined, and upon such request such fire-marshal may exercise all the powers and perform all the duties conferred or authorized by this chapter within such town with the same effect as if such fire-marshal were duly elected or appointed a fire-marshal by said town council and duly qualified under such election or appointment.

Town councils may call on any fire-marshal to make investigation, etc.

SEC. 16. Town councils shall fix the manner and amount of compensation for fire-marshals in their respective towns, and for such services as may be rendered in such town by any request to make investigation and examination as aforesaid.

Compensation of the fire-marshal.

CHAPTER 110.

Pub. Stat., Chap. 92.

OF FIRE-ARMS AND FIRE-WORKS.

SECTION

1. Penalty for discharging fire-arms or missiles in highway.
2. Penalty for making bonfire in highway.
3. Penalty for discharging fire-arms or missiles within compact part of the town.

SECTION

4. Penalty for selling fire-works without license.
5. Penalty for discharging fire-arms between sunset and sunrise.
6. Limitation of time for complaint.
- 7, 8. Sale of cartridges to children forbidden, when. Penalty.

SECTION 1. Every person who shall discharge any rifle, gun, musket, blunderbuss, fowling-piece, pistol, air-gun, spring-gun, or other contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles, in or across any road, street, square or lane, shall be fined not less than three dollars nor more than twenty dollars.

Penalty for discharging fire-arms or missiles across road, etc.  
Ch. 1130, sec. 1. of 1892.

Penalty for making a bonfire in street, etc.

SEC. 2. Every person who shall make a bonfire in any public street, road, square or lane, without special permission from the town council of the town in which the same shall be made, shall be fined not exceeding ten dollars.

Penalty for discharging fire-arms or missiles within compact part of any town, etc.  
Ch. 1130, sec. 2, of 1892.

SEC. 3. Every person, not being at the time under military duty, who shall discharge any rifle, gun, musket, blunderbuss, fowling-piece, pistol, air-gun, spring-gun, or other small arms, or any contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles, except upon land owned or occupied by him or by permission of the owner or occupant of the land on or into which he may shoot, within the compact part of any town or city, or, not being at the time on military duty, shall anywhere discharge any of such arms or contrivances on Sunday, shall be fined not exceeding twenty dollars.

Penalty for selling, etc., fire-works without license.

SEC. 4. Every person who shall sell, offer for sale, enkindle or use, or suffer to be sold, offered for sale, enkindled or used by his wife, children or servants or other persons whomsoever, any rocket, cracker, squib or other fire-works of a combustible nature ordinarily used for exhibition or amusement, unless he shall previously obtain special license from the town council of the town and for the purpose of exhibition on a suitable occasion, shall be fined ten dollars for each offence.

Penalty for discharging fire-arms between sunset and sunrise.

SEC. 5. Every person who shall discharge any gun, rifle, musket or blunderbuss in any road, street, lane or tavern or other public house, after sunset and before sunrise, shall be fined five dollars for the first offence and seven dollars for every subsequent offence.

Limitation of time for complaints.

SEC. 6. No complaint for a violation of any of the provisions of the preceding sections of this chapter shall be sustained unless the same shall be brought within thirty days after the commission of the offence, and all fines for such violations shall enure one-half thereof to the complainant and one-half thereof to the state.

Sale of cartridges, etc., to children, when forbidden.

Ch. 374, sec. 1, of 1883.

SEC. 7. No person shall sell to any child under the age of fifteen years, without the written consent of a parent or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge or of any fulminate.

Penalty.

Ch. 374, sec. 2, of 1883.

SEC. 8. Every person violating the provisions of the foregoing section shall be fined not less than ten dollars nor more than twenty dollars for each offence.

## CHAPTER 1130.

Passed July 1,  
1892. ——— AN ACT IN AMENDMENT OF CHAPTER 92 OF THE PUBLIC  
STATUTES, ENTITLED "OF FIREARMS AND FIREWORKS."

*It is enacted by the General Assembly as follows :*

Firearms.

SECTION 1. Section 1 of Chapter 92 of the Public Statutes is hereby amended so as to read as follows:

Penalty for  
firing in public  
places.

"SECTION 1. Every person who shall discharge any rifle, gun, musket, blunderbuss, fowling piece, pistol, air gun, spring gun, or other contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles, in or across any road, street, square, or lane, shall be fined not less than three dollars nor more than twenty dollars."

SEC. 2. Section 3 of said Chapter 92 is hereby amended so as to read as follows:

Penalty for  
firing on  
Sunday.

"SEC. 3. Every person, not being at the time under military duty, who shall discharge any rifle, gun, musket, blunderbuss, fowling piece, pistol, air gun, spring gun, or other small arms, or any contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles, except upon land owned or occupied by him, or by permission of the owner or occupant of the land on or into which he may shoot, within the compact part of any town or city, or not being at the time on military duty shall anywhere discharge any of such arms or contrivances on Sunday, shall be fined not exceeding twenty dollars."

SEC. 3. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

## CHAPTER 1131.

Passed July 1,  
1892. ——— AN ACT MAKING THE TWENTY-FIRST DAY OF OCTOBER,  
A. D. 1892, A LEGAL HOLIDAY.

*It is enacted by the General Assembly as follows :*

Legal holiday.

SECTION 1. The twenty-first day of October, A. D. 1892, being the four hundredth anniversary of the discovery of America, shall be a legal holiday.

# **SOUTH CAROLINA**

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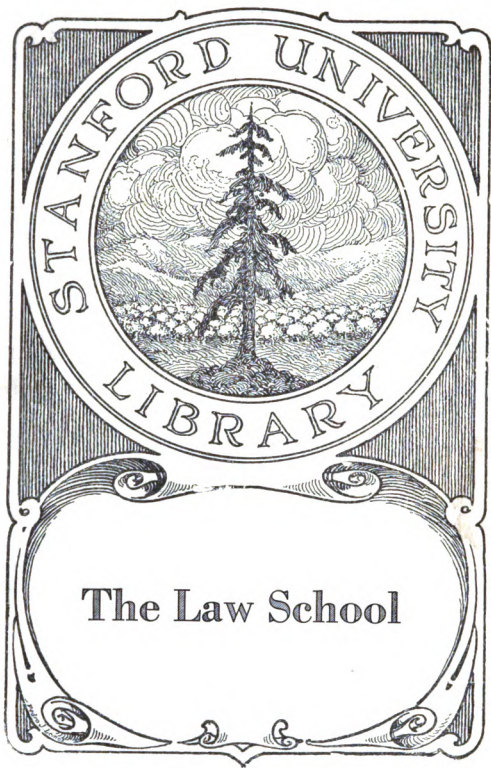


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THE PUBLIC STATUTE LAW  
OF  
SOUTH-CAROLINA.

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IN THREE VOLUMES.

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BY JOSEPH BREVARD,

*One of the Judges of the Courts of General Sessions and Common Pleas,  
and an Associate Judge of the Constitutional Court of Appeals  
of the State of South Carolina.*

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VOL. II.

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CHARLESTON, (S. C.)

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## TITLE 115.

**Malicious Mischief.**

1. **WHERE** divers and sundry malicious and envious persons, being men of evil and perverse dispositions, and seduced by the instigation of the devil, and minding the hurt, undoing and impoverishment of divers of the king's true and faithful subjects, as enemies to the commonwealth of this realm, and as no true or obedient subjects unto the king's majesty, of their malicious and wicked minds, have of late invented and practised a new damnable kind of vice, displeasure, and damnifying of the king's true subjects, and the commonwealth of this realm, as in secret burning of frames of timber prepared and made by the owners thereof, ready to be set up and edified for houses; cutting out of heads and dams of pools, motes, stews, and several waters; cutting off conduit-heads or conduit-pipes; burning of wains and carts loaden with coals or other goods; burning of heaps of wood, cut, felled and prepared for making of coals; cutting out of beasts tongues; cutting off the ears of the king's subjects; barking of apple-trees, pear-trees, and other fruit-trees; and divers other like kinds of miserable offences; to the great displeasure of Almighty God, and of the king's majesty, and to the most evil and pernicious example that hath been seen in this realm :

2. For remedy whereof, *Be it enacted*, That if any person or persons, at any time after the first day of May next ensuing, maliciously, unlawfully, willingly and secretly burn, or cause to be burned, cut, or cause to be cut or destroyed, any frame or frames of timber of any other person or persons, made and prepared, or hereafter to be made or prepared, for or towards the making of any house or houses, so that the same shall not be able for the purpose for the which it was prepared; that then every such act and acts so to be committed, perpetrated, and done by any person or persons, shall be deemed and adjudged felony, and the offender or offenders therein, being lawfully convicted or attainted, shall have and suffer pains of death, and shall lose and forfeit goods and chattels for ever, and the profits of their lands, tenements and hereditaments for term of his or their lives. [See within; St. 22 & 23 Ch. 2. c. 7.]\*

3. *Provided always*, That such attainder shall be no avoiding of any woman's dower, ne corruption of blood against the heir or heirs of such offender or offenders; *But be it enacted*, That the wife and wives of such offender or offenders shall have their dowers; and that such heir and heirs shall, after the decease of the said offender, have and enjoy the said lands, tene-

TIT. 115.

A. D. 1545.  
St. 37 H. 8. c. 6.  
P. L. 56.  
By burning or  
cutting  
frames.

Destroying  
frames, &c.

Proviso.  
Not to work  
corruption of  
blood, &c.

\* See A. A. 1787. [P. L. 430.] There shall be no forfeiture of property for felony.

## TIT. 115.

A. D. 1545.  
St. 37 H. 8. c. 6.  
P. L. 56.

ments and hereditaments of such offender and offenders, in like manner and form as they should have had, if this act, or any such attainder had never been had ne made. And that the heir or heirs having the said lands, tenements or hereditaments of any estate of inheritance, shall yield unto the party grieved for such offence or offences, his damages of the profits of the said lands, tenements or hereditaments of such offender or offenders, whereunto he shall be inheritable, by action of debt to be taken in the common bench at Westminster; in which action, no wager of law, essoin, ne protection shall be allowed.\*

By cutting dams, &c. or by burning wood, &c. or by cutting out the tongues of living beasts, &c. or cutting off the ears of men, &c.

4. And if any person or persons, after the said first day of May, maliciously, willfully and unlawfully cut or cause to be cut out the head or heads, dam or dams of any ponds, pools, motes, stews, or other several waters, or the head or heads, pipe or pipes of any conduit or conduits of any other person or persons; or maliciously, willingly and unlawfully, after the said first day of May, burn or cause to be burned any wain or wains, cart or carts, laden or to be laden with coals or any other goods or merchandizes of any other person or persons; or maliciously, willingly and unlawfully, after the said first day of May, do burn or cause to be burned any heap or heaps of wood of any other person or persons, prepared, cut and felled, or to be prepared, cut or felled, for making of coals, billets or talwood; or maliciously, unlawfully and willingly, after the said first day of May, cut out or cause to be cut out the tongue or tongues of any tame beast or beasts of any other person or persons, the said beast then being in life; or maliciously, willingly or unlawfully, after the said first day of May, cut or cause to be cut off the ear or ears of any of the king's subjects, otherwise than by authority of the law, chance-medley, sudden affray or adventure; or after the said day, maliciously, willingly or unlawfully bark any apple-trees, pear-trees, or other fruit-trees of any other person or persons; that then every such offender and offenders shall not only lose and forfeit unto the party grieved treble damages for such offence or offences, the same to be recovered by action of trespass to be taken at the common law, but also shall lose and forfeit to the king's majesty, and his heirs. for every such offence, x. l. sterling in name of a fine. [See Title 113, *Maiming*.]

4 Bl. Com. 206.

A. D. 1670.  
St. 22 & 23  
Ch. 2. c. 7.  
P. L. 80.

5. *Whereas* divers lewd and evil-disposed persons intending the ruin and impoverishment of their fellow subjects, have devised, and of late secretly in the night time, and at other times when they think their deeds are not known, frequently practised in several parts of this kingdom, unlawful and wicked courses in burning of ricks and stacks of hay, corn and grain, destroying of buildings, trees, and cutting, maiming, wounding and killing of horses, sheep, beasts, and other cattle, in

\* Coke says this statute was repealed as to the burning of frames, by 1 Ed. 6. and 1 Mar. (Sess. 1. c. 1.) 3 Inst. 66. See 2 vol. Statutes at large, 373.

contempt of the laws, and to the insupportable wrong and damage of many of his majesty's good subjects:'

TTT. 115.

6. For prevention whereof, and discovery of the offenders, *Be it enacted*, That where in any part of this kingdom any person or persons, after the first day of March in the year of our Lord 1670, shall in the night time maliciously, unlawfully and willingly burn, or cause to be burnt or destroyed, any ricks or stacks of corn, hay, or grain, barns, or other houses or buildings, or kilns; or shall in the night time, maliciously, unlawfully and willingly kill, or destroy any horses, sheep, or other cattle, of any person or persons whatsoever; every such offence shall be adjudged felony, and the offenders, and every of them shall suffer as in case of felony.

A. D. 1670.  
St. 22 & 23  
Ch. 2. c. 7.  
P. L. 80.  
To burn  
stacks of  
grain, &c. or  
kill horses,  
&c. felony.

7. *Provided always*, That no attainder for any the offences made felony by virtue of this act, shall make or work any corruption of blood, loss of dower, or disinheritance of heir or heirs. [See A. A. 1787. P. L. 430.]

Proviso.

8. In case any person or persons who shall be convict or attainted of any the offences made felony by virtue of this act as aforesaid, (to avoid judgment of death, or execution thereupon for such his offence) shall make his election to be transported beyond the seas, to any of his majesty's plantations; that then the justices of assise, oyer and terminer, gaol delivery, or justices of the peace, before whom such offender shall be convict or attaint by virtue of this act, and every of them respectively, shall cause judgment to be entered against every such offender, that he be transported beyond the seas to some of his majesty's plantations, in the said judgment to be particularly mentioned and expressed, there to remain for the space of seven years; and that in pursuance of the said judgment, the sheriff or sheriffs of the county or city where such offender shall be so convict or attainted, shall cause the said offender to be safely conveyed and embarked to be transported as aforesaid; and if any such offender shall return into this kingdom before the expiration of the said seven years, he shall suffer death as a felon, and as if no such election to be transported had been made by him.\*

The offender  
may be trans-  
ported.

---

\* In the case of *The State v. Kirkpatrick*, which was before the constitutional court of appeals at Columbia, in November, 1807—he had demurred to an indictment upon this statute, for having in the night time, maliciously, &c. destroyed a horse; and it was contended for him that as he could not avail himself of the optional alternative provided by this clause, the whole statute ought to be considered inoperative and void. On the contrary it was urged, that although the offender cannot from the nature of our present government, and the situation of the country, have the benefit of an election to be transported beyond the seas, yet it cannot be maintained, on legal principles, that the statute is therefore void, except so far as the same is impracticable. And the legislature in adopting this and other English statutes, had carefully guarded against any construction which would have the effect of rendering them inoperative and null, without necessity, by declaring that they should be put in execution as to the substantial parts of them, &c. A. A. 1712. P. L. 100.

TTT. 115.

A. D. 1670.

St. 22 &amp; 23

Ch 2. c. 7.

P. L. 80.

To wound horses, &c. in the night time, subjects the offender to treble damages.

Authority of justices of peace respecting.

4 Bl. Com. 244.

Limitation of prosecution.

9. If any person or persons shall in the night time maliciously, unlawfully and willingly maim, wound, or otherwise hurt any horses, sheep or other cattle, whereby the same shall not be killed or utterly destroyed, or shall destroy any plantations of trees, or throw down any inclosures in manner aforesaid; that then every such offender or offenders shall lose and forfeit unto the party grieved treble the damage which he or they shall thereby sustain; the same to be recovered by action of trespass, or upon the case, to be taken at the common law.

10. *And be it further enacted*, That upon the complaint and request of the party or parties injured in any such manner, any three or more justices of the peace for the county, division, city, town corporate, or place where such offence shall be committed, whereof one to be of the quorum, shall and may, and they are thereunto authorized and required by virtue of this act, to enquire, as well by the oaths of twelve lawful men or more of the same county, as by examination of witnesses upon oath, or by any lawful ways or means which to them shall seem meet, of and concerning any the offences before incurred, and offenders therein; and in order thereunto, to issue out warrants, as well for the summoning of jurors, as for the apprehending of all such persons, as shall or may be thereof suspected, and to take their examination touching the same; as also to cause all such other persons as to them shall seem likely to make discovery thereof, to appear before them, and to give information upon oath, of and concerning their knowledge of the premises: so as no person so to be examined by the said justices of the peace, shall be convicted, or in any wise proceeded against, for or by reason of any offence concerning which he or they shall be so examined as a witness, and shall upon such his examination make a true discovery thereof: and in case any person or persons, who by the said justices be thought likely to make discovery as aforesaid, shall refuse to appear or to be examined as a witness, being duly summoned by the said justices in pursuance of this act; it shall and may be lawful for the said justices of the peace to commit the party so refusing, to the common gaol for the said county without bail or mainprise, until he shall submit to be examined upon oath, of and concerning his knowledge touching the same offence, or the offenders by whom the same was committed.

11. *Provided*, That no person who shall be punished for any offence by virtue of this act, shall be punished for the same offence by virtue of any other act or law whatsoever; nor shall be questioned for the same, unless he be proceeded against within six months after the offence committed.

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The decision on the motion was delayed from various causes till May, 1810—when the motion was withdrawn.

It is an established rule in the construction of statutes, that they shall be so expounded as to give them all the effect of which they are susceptible, according to the intent of the makers of them, and so as to prevent their being eluded if possible. Repeals by implication of law are not favoured, because they cast a reflection (it is said) on the wisdom of the legislature. 11 Co. 63. 10 Mod. 118. Plow. 466. 13. 88. Co. Litt. 24.

12. And for the effectual preventing the wilful casting away, burning or otherwise destroying, by masters and mariners, of ships under their charge, *Be it enacted*, That if any captain, master, mariner or other officer belonging to any ship, shall, after the said twelfth day of February, 1702, wilfully cast away, burn or otherwise destroy the ship unto which he belongeth, or procure the same to be done, to the prejudice of the owner or owners thereof, or of any merchant or merchants that shall load goods thereon, he shall suffer death as a felon.\*

TIT. 115.  
A. D. 1701.  
St. 1 An. c. 9.  
St. 2.  
P. L. 93.  
Ships destroyed by masters to owners prejudice, felony.  
4 Bl. Com. 244.

13. *And whereas* an ill custom has prevailed in this province, of firing guns in the night time; For the prevention thereof for the future, *Be it enacted*, That if any person shall fire or shoot off any gun or pistol in the night time after dark and before day light, without necessity, every such person shall forfeit the sum of *forty shillings current money*, for each gun so fired as aforesaid; to be recovered by warrant from any one justice of the peace of the county where the offence is committed, according to the direction of the *act for the trial of small and mean causes*, and shall be paid to the church wardens of the parish where the offence shall be committed, for the use of the poor of the said parish.† [See Title 21, *Benefit of Clergy*.—Title 80, *Fire-Hunting and Burning the Woods*.]

A. A. 1740.  
P. L. 174.  
Firing guns in the night time.

TITLE 116.

**Mandamus†—Quo Warranto.**

TIT. 116.

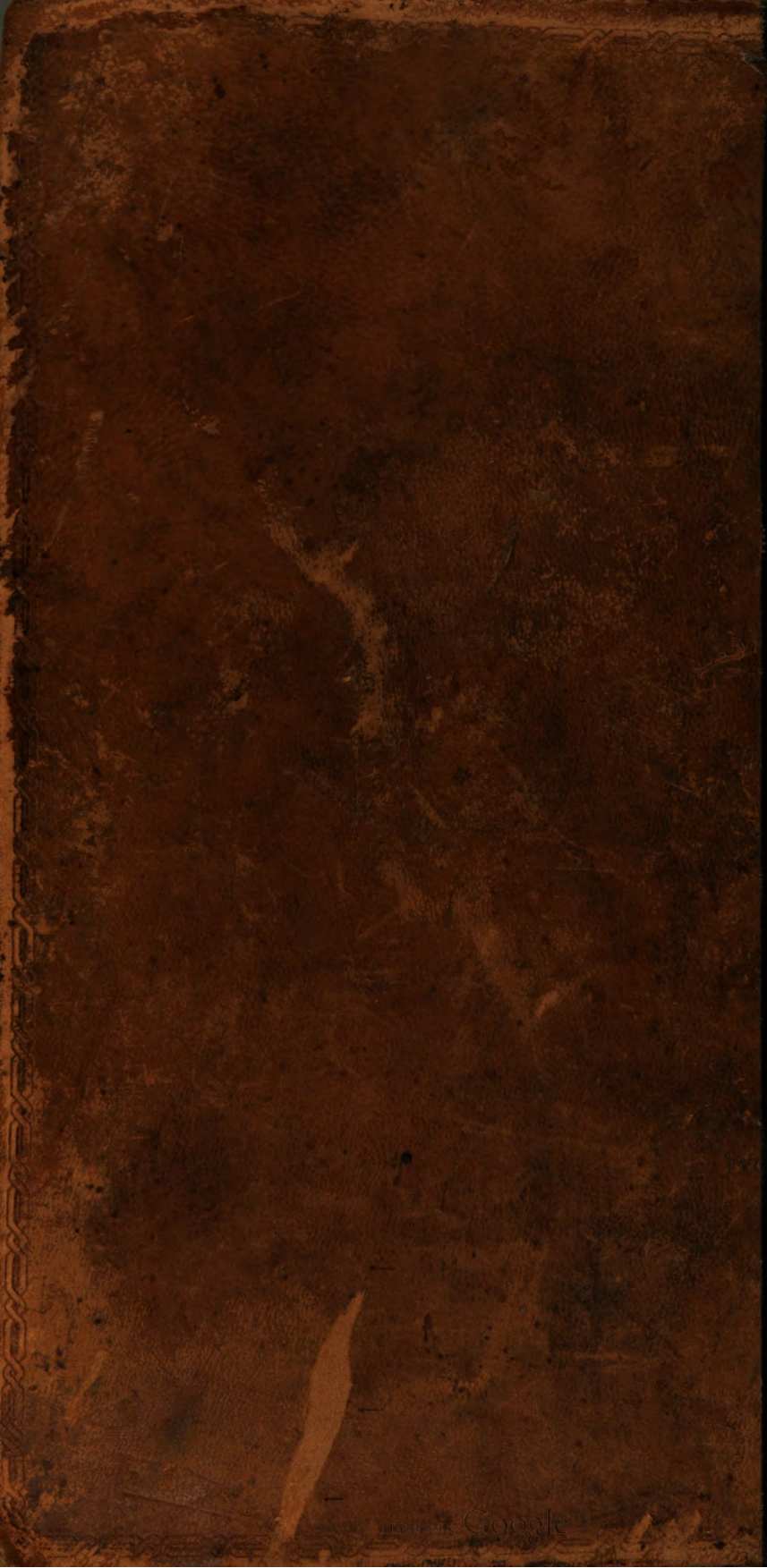
1. *WHEREAS* divers persons have of late illegally intruded themselves into, and have taken upon themselves to execute the offices of mayors, bailiffs, portreeves and other offices, within cities, towns corporate, boroughs and places, within that part of Great Britain called England and Wales; and where such offices were annual offices, it hath been found very difficult, if not impracticable, by the laws now in being,

A. D. 1701.  
St. 9 An. c. 20.  
P. L. App.  
No. 1.  
See Title 70, *English Statutes*, § 4. 9.

\* If this offence should be committed on the high seas (which seems to have been intended by the act) or out of the jurisdictional limits of the state, the state courts cannot take cognizance thereof. The Congress of the United States have power to define and punish felonies committed on the high seas, &c. See Constitution United States, Art. 1. § 8,

† See *Justices of Peace*; and A. A. Feb. 1791.

‡ *Mandamus* is a writ issuing out of the court of general sessions, &c. In England it is called a prerogative writ, and issues from the king's bench. It is a *criminal* process relative to *civil rights*. The courts of sessions in this state, as the court of king's bench in England, have a general superintending power over all inferior jurisdictions and persons, to compel them to do justice in matters appertaining to their office and duty, and to enforce obedience to acts of the legislature. See 2 Inst. 40. 3 Bl. Com. 110. Bull. N. P. 199. 3 Burr. 1267.





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SEC. 2. Any person violating the provisions of this Act, shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars, or be imprisoned for not less than three months nor more than five years.

A. D. 1899.

Punishment for.

SEC. 3. This Act shall not apply to officers accepting rebates, not for their individual use, but for the benefit and in behalf of the State.

Exception.

Approved 6th day of March, A. D. 1899.

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No, 67.

AN ACT TO PREVENT DRUNKENNESS AND SHOOTING UPON THE HIGHWAY.

SECTION I. *Be it enacted* by the General Assembly of the State of South Carolina, That any person who shall engage in any boisterous conduct, under the influence of intoxicating liquors, or while feigning to be under the influence of such liquors, or without just cause or excuse, shall discharge any gun, pistol or other firearms while upon or within fifty yards of any public road, except upon his own premises, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than one hundred dollars or be imprisoned for not more than thirty days.

Drunkenness and shooting on highways punished.

Approved the 3d day of March, A. D. 1899.

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No. 68.

AN ACT TO AMEND SECTION 943 OF THE GENERAL STATUTES OF 1882, APPEARING AS SECTION 261 OF VOLUME 2 OF THE REVISED CRIMINAL STATUTES OF 1893, RELATING TO THE PRACTICE OF DENTISTRY WITHOUT LICENSE.

SECTION I. *Be it enacted* by the General Assembly of the State of South Carolina, That section 943 of the General Statutes of 1882, appearing as section 261 of volume 2 of the Revised Criminal Statutes of 1893, be, and the same is hereby, amended by inserting before the word "*Provided,*" in said section, the

Sec. 261 of C. S. amended.

A. D. 1899.

words, "or be imprisoned at hard labor on the county chain-gang for a period of not less than one month nor more than twelve months." So that said section, when thus amended, shall read as follows:

Penalty for  
practising  
Dentistry  
without pro-  
per qualifica-  
tions.

Section 261 (943). Any person who, for fee or reward, shall practice dentistry in violation of the laws of this State regulating the practice thereof, shall be liable to indictment, and on conviction shall be fined not less than fifty nor more than three hundred dollars, or be imprisoned at hard labor on the county chain-gang for a period of not less than one month nor more than twelve months: *Provided*, That nothing in this section shall be construed as to prevent any person from extracting teeth. All fines collected shall enure to the educational fund of the county where the offender resides.

Approved the 15th day of February, A. D. 1899.

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## No. 69.

### AN ACT TO PREVENT DESTRUCTION OF GRAVES AND GRAVE-YARDS.

Destruction  
of graves and  
grave-yards a  
misdemeanor.

SECTION I. *Be it enacted* by the General Assembly of the State of South Carolina, That from and after the approval of this Act, any person or persons who shall wilfully obliterate or desecrate any grave, or shall wilfully destroy any plants, trees, decorations, shrubbery, or deface or remove any gravestone, or shall wilfully destroy, tear down or injure any fence or other enclosure of any graveyard, shall be guilty of a misdemeanor, and upon conviction shall pay a fine of not more than one hundred nor less than twenty-five dollars, or be confined in the county chain-gang not more than thirty nor less than ten days.

Approved the 15th day of February, A. D. 1899.

# TENNESSEE



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**Election polls.** SEC. 2. That said election shall be held at the different places in the cities and counties, as now provided by law, in this State, and according to the Constitution and existing laws governing elections in this State, so far as applicable, and the returning officers shall make their returns in the manner, and to the persons, as now provided by law.

## 1869-70—CHAPTER XXII.

[Enacted Dec. 1, 1869.]

**Voters to ballot in their own districts.** SECTION 1. That all voters in this State shall be required to vote in the civil district or ward in which they may reside. Any person violating this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall not be fined less than twenty nor more than fifty dollars: *Provided*, that Sheriffs and other officers holding elections shall be permitted to vote at any ward or precinct in which they may hold an election.

**Sheriffs excepted.****Deadly or dangerous weapons.**

SEC. 2. That it shall not be lawful for any qualified voter or other person attending any election in this State, or for any person attending any fair, race course, or other public assembly of the people, to carry about his person, concealed or otherwise, any pistol, dirk, Bowie-knife, Arkansas tooth-pick, or weapon in form, shape, or size resembling a Bowie-knife or Arkansas tooth-pick, or other deadly or dangerous weapon.

**Penalty.**

SEC. 3. That all persons convicted under the second section of this act shall be punished by fine of not less than fifty dollars, and by imprisonment, or both, at the discretion of the court.

**Saloons to be closed.**

SEC. 4. That no liquor shop in this State shall be kept open on election days, nor shall any person, on said days, give or sell intoxicating liquors to any person for any purpose at or near an election ground.<sup>1</sup>

**Powers of grand jury.**

SEC. 5. That the grand juries of this State shall have inquisitorial powers concerning the commission of the offenses created by these acts, and may send for witnesses, as in cases of gaming, illegal voting, tipping, and offenses now prescribed by law.

**Duty of the judges.**

SEC. 6. That it shall be the duty of the Circuit and Criminal Judges of this State to give the above in special charge to the several grand juries of the courts.

**No exemption from execution.**

SEC. 7. That there shall be no property exempt from execution for fines and costs for this offense: *Provided*, that if from any cause, there should be a failure to hold an election in any civil district or ward, then nothing in this act shall be so construed as to prevent any voter from voting in

**Failure to open poll.**<sup>1</sup>See the act next following.

any other civil district or ward in his county or town, for State or county officers, at the time prescribed by law.

### 1869-70.—CHAPTER LIII.

[Enacted January 29, 1870.]

SECTION 3. That all persons convicted under the fourth section of the act [1869-70, ch. xxii, passed December 1, 1869] of which this is amendatory, shall be punished by fine of not less than twenty-five dollars, nor more than one hundred or by imprisonment in the county jail, at the discretion of the court.

Venders of liquor at elections.

SEC. 4. That the word "day" in the act which this one is intended to amend shall mean the time from sunrise to sunset.

The word "day" construed.

### 1870.—CHAPTER XV.

[Approved June 17, 1870.]

SECTION 1. That it shall be the duty of the several Sheriffs of the different counties in this State, or the Coroner, where there is no Sheriff, or if he be a candidate, to open and hold an election at the different voting places in each county, on the second Tuesday in November, eighteen hundred and seventy, and forever thereafter on the first Tuesday after the first Monday in November, every two years, and at the same places, to elect a Governor for the State of Tennessee and members of the General Assembly thereof.

State election to be in November.

SEC. 2. That said elections shall be held, the votes compared, due and correct returns thereof made out and transmitted, and certificates of election given to members elect of the General Assembly, in accordance with the laws now in force, or hereafter passed by the Legislature of this State, regulating the election of Governor and members of the General Assembly.

Election returns.

SEC. 3. That the public welfare requires that this act take effect from and after its passage, and that all laws fixing any other time for holding the election for Governor and members of the General Assembly of this State are hereby repealed.

Former laws repealed.

### 1870.—CHAPTER XXIII.

[Approved June 16, 1870.]

SECTION 3. That on the first Thursday in August, eighteen hundred and seventy-eight, and forever thereafter every eight years, there shall be elected in this State, by the qualified voters, five Judges of the Supreme Court of the State of Tennessee, and Judges of such Circuit, and Chancery, and other Courts as are or may be established by law; and an Attorney for the State for each county or district, for which

August elections.

Election of Supreme Judges.

Circuit and chancery judges.

**TEXAS**



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or her employees, children, or apprentices, to labor on the Sabbath, the day known as Sunday, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than ten, nor more than fifty dollars; Provided, that household duties, works of necessity, and charity, shall not be prohibited by this act; Provided, further, that this act shall not apply to any work done on sugar plantations during the sugar-making season, or any work that may be necessary to save any crop from being destroyed: Provided, this section shall not be so construed as to apply to the running of steamboats, or other water crafts, rail-cars, wagon trains, common carriers, or to the delivery of goods by them, or the receiving or caring for said goods by the parties or their agents, to whom said goods are delivered, or to stages carrying the United States mail, or passengers, founderies, sugar mills, or to stock-keepers, or herders, who have a herd of stock actually gathered, and under herd, or to persons traveling on the highway, or ferrymen, or keepers of toll-bridges, keepers of hotels and their servants, keepers of livery stables and their servants; Provided, further, that this section shall not be construed so as to apply to any person who conscientiously believes that the seventh, or any other day of the week, ought to be observed as the Sabbath and who actually refrains from secular business and labor on that day.

Sec. 2. That any person or persons who shall run, or be engaged in running, any horse races, or engage in the sale or retail of spirituous or other intoxicating liquors, or who shall permit or allow the use of any nine or ten pin alley or billiard table, or who shall be engaged in match shooting, card playing, or any species of gambling, on Sunday, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than fifteen nor more than seventy-five dollars.

Sec. 3. That any person or persons who shall engage in hunting game, either with gun or dogs, or otherwise, on Sunday, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than five nor more than twenty-five dollars; and if, upon the trial of any cause coming under the provision of this section, it shall be proven that the stock of any person has been injured or killed, which proof shall be admissable in all cases, the party or parties shall be fined double the amount beforementioned, and shall be adjudged to pay all damages to the person whose stock has been injured or killed.

Sec. 4. That any merchant, grocer, trader, or dealer in stock, wares, or merchandise, who shall trade or barter the same on Sunday, shall be deemed guilty of a misdemeanor, and upon con-



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## CHAPTER CLXX.

An Act to prohibit the discharging of Fire Arms in certain places therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, It shall not be lawful for any person to discharge any gun, pistol, or fire arms of any description whatever, on, or across any public square, street, or alley, in any city or town in this State; Provided, this Act shall not be so construed as to apply to the "outer town," or suburbs, of any city or town

Sec. 2. Any person who shall discharge any fire arms, in violation of the provisions of the first section of this Act, shall be deemed guilty of disturbing the public peace, and on conviction thereof, before any Court having competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars, to be recovered as other fines and penalties.

Approved November 12, 1866.

## CHAPTER CLXXI.

An Act to amend the 11th Section of an Act to provide for the Registry of Deeds, and other instruments in writing. Approved May 12, 1846.

Section 1. Be it enacted by the Legislature of the State of Texas, That section eleven of the above recited Act, be so amended that it will hereafter read as follows:

Proof, or acknowledgment of every instrument of writing for record, shall be taken by some one of the following officers: First. When acknowledged, or proven within the State, before some Notary Public, or Clerk of the County Court of any County in the State. Second. When acknowledged, or proven without this State, and within the United States, or their Territories, before some Judge or Clerk of a Court of Record having a seal. Third. When acknowledged or proven without the United States, before some Public Minister, Charge d'Affairs, or Consul of the United States, and in all cases the certificate of such acknowledgment shall be attested under the official seal of the Officer taking the same.

Sec. 2. This Act shall be in force from its passage.

Approved November 13, 1866.



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ported to and confirmed by the County Judge; and that this Act take effect and be in force from and after its passage.

Approved November 5, 1866.

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CHAPTER XCI.

An Act concerning Disorganized Counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That all counties that have heretofore been legally organized, and that have lost their county organization by reason of Indian incursions, or from any other cause, shall be, for all judicial purposes, and for the registration of deeds, mortgages and all other instruments that are now or may hereafter be required or allowed by law to be recorded, attached to the organized county, whose county seat is nearest the county seat of such disorganized county, and so remain attached until such disorganized county shall again be legally organized.

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

Approved November 5, 1866.

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CHAPTER XCII.

An Act to prohibit the carrying of Fire-Arms on premises or plantations of any citizen without the consent of the owner.

Section 1. Be it enacted by the Legislature of the State of Texas. That it shall not be lawful for any person or persons to carry fire-arms on the enclosed premises or plantation of any citizen, without the consent of the owner or proprietor, other than in the lawful discharge of a civil or military duty, and any person or persons so offending shall be fined a sum not less than one nor more than ten dollars, or imprisonment in the county jail not less than one day nor more than ten days, or both, in the discretion of the Court or jury before whom the trial is had.

Passed November 6, 1866.



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days' imprisonment.

jail nor less than one day nor more than ten days, or both, in the discretion of the court or jury before whom the trial is had.

12 Aug., 1870; took effect 12 Oct., 1870. Vol. 21, part 1, p. 63. Persons not to bear arms at public assemblies. Social intercourse and elections not to be made dangerous.

AN ACT REGULATING THE RIGHT TO KEEP AND BEAR ARMS.

Art. 6512.

Kinds of weapons prohibited.

Fine \$50 to \$500. Notes, 111, 167.

Scalp-lifting country excepted.

Armed officials.

ART. 6511. [1] If any person shall go into any church or religious assembly, any school-room or other place where persons are assembled for educational, literary, or scientific purposes, or into a ball-room, social party, or other social gathering, composed of ladies and gentlemen, or to any election precinct on the day or days of any election, where any portion of the people of this state are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dirk, or butcher-knife, or firearms, whether known as a six-shooter, gun, or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same: *Provided*, That nothing contained in this section shall apply to locations subject to Indian depredations: *And provided further*, That this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.

12 April, 1871; took effect 12 June, 1871. Vol. 21, part 2, p. 25. Carrying arms a misdemeanor, punishable by fine and forfeiture, unless, &c. Patriots and militiamen excepted. Art. 6511.

[This section is constitutional. *English v. The State*, 35 Tex., 474.]

Fine \$25 to \$100 for first offense.

Imprisonment for second offense. Notes 111, 167.

People at home and officials excepted.

[Carrying weapons to and from market is within the proviso. *Waddell v. The State*, 37 Tex., 356. But carrying a pistol hog hunting in the woods is not within the exception. *Baird v. The State*, 39 Tex., 609.]

Art. 6512. Justification must be immedi-

AN ACT TO REGULATE THE KEEPING AND BEARING OF DEADLY WEAPONS.

ART. 6512. [1] Any person carrying on or about his person, saddle, or in his saddle-bags, any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured or sold for the purpose of offense or defense, unless he has reasonable grounds for fearing an unlawful attack on his person, and that such ground of attack shall be immediate and pressing; or unless having or carrying the same on or about his person for the lawful defense of the state, as a militiaman in actual service, or as a peace officer or policeman, shall be guilty of a misdemeanor, and, on conviction thereof, shall, for the first offense, be punished by fine of not less than twenty-five nor more than one hundred dollars, and shall forfeit to the county the weapon or weapons so found on or about his person; and for every subsequent offense may, in addition to such fine and forfeiture, be imprisoned in the county jail for a term not exceeding sixty days; and in every case of fine under this section the fines imposed and collected shall go into the treasury of the county in which they may have been imposed: *Provided*, That this section shall not be so construed as to prohibit any person from keeping or bearing arms on his or her own premises, or at his or her own place of business, nor to prohibit sheriffs or other revenue officers, and other civil officers, from keeping or bearing arms while engaged in the discharge of their official duties, nor to prohibit persons traveling in the state from keeping or carrying arms with their baggage: *Provided further*, That members of the legislature shall not be included under the term "civil officers" as used in this act.

ART. 6513. [2] Any person charged under the first section of this act, who may offer to prove, by way of defense, that he was

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

ate and pressing danger;

and weapon not concealed.

Impending danger.

ART. 6514. [3] If any person shall go into any church or religious assembly, any school-room, or other place where persons are assembled for amusement, or for educational or scientific purposes, or into any circus, show, or public exhibition of any kind, or into a ball-room, social party, or social gathering, or to any election precinct on the day or days of any election, where any portion of the people of this state are collected to vote at any election, or to any other place where people may be assembled to muster, or to perform any other public duty, (except as may be required or permitted by law,) or to any other public assembly, and shall have or carry about his person a pistol, or other firearm, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured and sold for the purposes of offense and defense, unless an officer of the peace, he shall be guilty of a misdemeanor, and, on conviction thereof, shall, for the first offense, be punished by a fine of not less than fifty, nor more than five hundred dollars, and shall forfeit to the county the weapon or weapons so found on his person; and for every subsequent offense may, in addition to such fine and forfeiture, be imprisoned in the county jail for a term of not more than ninety days.

Attending public meetings armed an offense to be punished in like manner. Society protected and attempted civilization.

Character of arms prohibited.

Fine \$50 to \$100 for first offense, and imprisonment for perseverance.

ART. 6515. [4] This act shall not apply to nor be enforced in any county of the state which may be designated in a proclamation of the governor as a frontier county, and liable to incursions of hostile Indians.

Governor may exempt frontier counties by proclamation.

ART. 6516. [5] All fines collected under the provisions of this act shall be paid into the treasury of the county, and appropriated exclusively to the keeping in repair and maintenance of public roads, and all weapons forfeited to the county under the provisions of this act shall be sold as may be prescribed by the county court, and the proceeds appropriated to the same purpose.

Art. 6517. All fines under this act must be paid into county treasury.

ART. 6517. [6] It shall be the duty of all sheriffs, constables, marshals, and their deputies, and all policemen and other peace officers, to arrest any person violating the first or third sections of this act, and to take such person immediately before a justice of the peace of the county where the offense is committed, or before a mayor or recorder of the town or city in which the offense is committed, who shall investigate and try the case without delay. On all such trials the accused shall have the right of a trial by jury, and of appeal to the district court; but, in case of appeal, the accused shall be required to give bond, with two or more good and sufficient sureties, in a sum of not less than one hundred, nor more than two hundred dollars, if convicted under the first section, and in a sum of not less than two hundred, nor more than one thousand dollars, if convicted under the third section of this act; said bond to be payable to the state of Texas, and approved by the magistrate, and conditioned that the defendant will abide the judgment of the district court that may be rendered

Peace officers to arrest offenders, &c.

1330a. Justices have jurisdiction of this offense. *Hiltard v. The State*, 37 Tex., 359.

Jury trial and appeal allowed. Appeal bond.

Payable to State.





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ceeding one thousand dollars, and imprisoned in the penitentiary for a period not exceeding three years.

[Arts. 6485-6500 repealed by art. 6809A, p. 1303c.]

CHAPTER IV.—RIOTS AND UNLAWFUL ASSEMBLIES AT ELECTIONS, VIOLENCE USED TOWARDS ELECTORS.

11 July, 1870. Art. 6476 for caption.

ART. 6485. [28] Any person who may, by threats, intimidation, or violence, resist or impede a registrar, or board of appeals or revision, in the discharge of their duties, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine of not less than fifty, nor more than one hundred dollars, and by imprisonment of not less than sixty days, or more than six months, in the county jail.

Punishment of threats and intimidation impeding registration. Art. 6684. Repealed, 6809A.

ART. 6486. [28] Any registrar who, by violence or threats, is impeded in the discharge of his duty, shall report the same to the sheriff, who shall furnish a sufficient force to enable him to proceed in the discharge of his duty.

Registrars to report violence.

ART. 6487. [38] Any person or persons who shall disturb the registrars or boards of revision in the full and fair discharge of their duties, by acts of intimidation, by inciting or encouraging a tumult or mob, or who shall cause such disturbance, or encourage, or abet any tumult, mob, or violence in the vicinity of any place of registry, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the penitentiary for a period not exceeding two years, nor less than six months.

Disturbers of registrars punished.

ART. 6488. [46] (cl. 1) Any person who shall, by threats of discharge from employment, of withholding wages, or of proscription in business, influence, or attempt to influence, any voter in the casting of his vote at any election, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than five hundred dollars, one-half of which shall go to the informer, and the other half to the school fund of the state, and by imprisonment in the county prison for not less than three months.

Fine or imprisonment.

Intimidation of voter by threats punished as misdemeanor. Art. 1893.

Fine not less than \$500, and 3 months imprisonment.

ART. 6489. [45] (cl. 2) Any person who shall discharge from his employment any laborer, employé, tenant, or mechanic, who shall have been working for such person under contract, written or oral, for a specified time, before such time shall have expired, or who shall withhold from any laborer, employé, tenant, or mechanic, any part of the wages due to such laborer, employé, tenant, or mechanic, on account of any vote which such laborer, employé, tenant, or mechanic has given, or purposes to give, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than five hundred dollars, one-half of which shall go to the informer, and the other half to the school fund of the state, and by imprisonment in the county jail for not less than three months.

Punishment for discharging laborer on account of his vote; made a misdemeanor, and punished by

fine not less than \$500 and 3 months' imprisonment.

ART. 6490. [55] (1) It shall be unlawful for any person to carry any gun, pistol, bowie-knife, or other dangerous weapon, concealed or unconcealed, on any day of election, during the hours the polls are open, within a distance of one half mile of any place of election. (2) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dollars, and by imprisonment in the county jail for not less

Carrying weapons at election punished. Art. 1891.

Penalty for violating this section.

Officers of election and police exempted.

than one month: *Provided*, That the provisions of this section shall not apply to any officer of the election, police officer, or other person authorized to preserve the peace on the days of election.

Selling liquor on days of election.

ART. 6491. [56] No person shall give, sell, or barter any spirituous or intoxicating liquor to any person on the days of election; and any person found guilty of violating the provisions of this section shall be fined in a sum not less than one hundred dollars, nor more than three hundred dollars, which shall go to the school fund.

School fund.

15 Aug., 1870; art. 6481 for caption. Disturbing election by mob punished. Arts. 1891-1894.

ART. 6492. [49] Any person or persons who shall disturb an election, by inciting or encouraging a tumult or mob, or shall cause such disturbance in the vicinity of any poll or voting place, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, nor less than two hundred dollars, and by imprisonment in the penitentiary for a period not exceeding two years, nor less than six months.

11 July, 1870. Art. 6476 for caption. Alterations, changes, and mutilations of registration books punished by fine or imprisonment. Art. 1900. [Arts. 6493-6500 repealed by art. 6303h, p. 133c.]

CHAPTER V.—MISCELLANEOUS OFFENSES AFFECTING THE RIGHT OF SUFFRAGE.

Art. 6480.

ART. 6493. [26] If any person shall alter, change, mutilate, or in any manner deface any book of registration, or shall take and carry away the same from the office of the clerk of the district court, registrar, or judge of election, or other place where the same may be lawfully deposited, or from the lawful possession of any person whomsoever, with intent to destroy, suppress, alter, or conceal, or in any wise mutilate or destroy the same, so as to prevent the lawful use of such book or books of registration, such person shall be deemed guilty of felony, and, upon conviction thereof, shall be punished as prescribed in section twenty-five of this act.

Punishment for false registration and illegal voting. Perjury. Art. 1898.

ART. 6494. [32] (cl. 1) Any person who shall take and subscribe the registration oath falsely shall, upon conviction thereof, be punished as provided by law for the crime of perjury, and any person who shall knowingly and willfully vote, or attempt to vote, upon the registration certificate of another, or of one who may be dead, shall, upon conviction thereof, forfeit and pay a fine of five hundred dollars, and in default thereof shall be imprisoned in the county jail for a term not exceeding one year.

Penalty.

Giving false name punished by fine or imprisonment.

ART. 6495. [32] (cl. 2) Any person giving a false name, with intent to deceive a registrar, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and fined in a sum not to exceed one hundred dollars, or be punished by imprisonment in the county jail for a term not to exceed one year.

15 Aug., 1870. Art. 6481 for caption. Disturbing ballots punished by fine or imprisonment.

ART. 6496. [47] Any person not authorized by this law to receive or count ballots at an election, who shall, during or after any election, and before the votes have been counted by the judges of election, disturb, displace, conceal, destroy, handle, or touch any ballot, after the same has been received from the voter by the judge of election, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars, or by imprisonment for not less than six months, or both, at the discretion of the court.

At discretion.

Repeaters punished by fine and imprisonment. Art. 1897.

ART. 6497. [48] Any person who shall vote, or attempt to vote, more than once at the same election, shall be deemed guilty of a felony, and, upon conviction thereof, shall be pun-

**SPECIAL LAWS**

OF THE

**TWELFTH LEGISLATURE**

OF THE

**STATE OF TEXAS.**

—...—  
**FIRST SESSION—1871.**  
—...—

BY AUTHORITY



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services rendered by him he shall receive such fees as are allowed justices of the peace for similar services, and he shall have jurisdiction to try and determine all infractions or violations of the laws of the corporation, under such rules as may be prescribed by the council. He shall have power to issue such warrants and process as may be necessary to enforce his jurisdiction.

SEC. 9. The Governor shall appoint a mayor, aldermen, and marshal, of said corporation, who shall hold their offices respectively, until the next general election, or until otherwise provided by law; and it shall be the duty of the mayor and marshal to cause an election to be held annually thereafter, at least ten days before the expiration of their term of office, for the election of all officers herein provided for; and should said mayor and marshal fail or refuse to order any such election, then any five citizens of said corporation may order and hold said election after giving five days notice. All persons who reside within the corporate limits, and are entitled under the Constitution and laws of this State to vote, shall, under this charter, be entitled to vote at any election herein provided for, and the mayor shall have power to order elections to fill all vacancies that may occur by reason of death, resignation, and otherwise.

SEC. 10. That this act shall take effect and be in force from and after its passage.

Approved March 8, 1871.

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## CHAPTER VI.

### AN ACT TO INCORPORATE THE TOWN OF MILLICAN, COUNTY OF BRAZOS.

*Be it enacted by the Legislature of the State of Texas, as follows:*

ARTICLE 1. That all that part of the county of Brazos, to-wit: Having for a centre point the store house of R. J. Shelton, and extending from there north, one mile; south, one mile; west, one mile; east, one mile; shall constitute the town of Millican.

ART. 2. That the inhabitants of the town of Millican, as the same extends and is laid out as above, and their successors be and are hereby constituted a corporation and body politic in fact and in law, by the name and style of the "Town of Millican," and by that name shall have perpetual succession, shall sue and be sued, im-

plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever.

ART. 3. That there shall be a town council, to consist of a Mayor and Board of Aldermen ; that the Board of Aldermen shall consist of five members, to be chosen for two years, by the qualified voters ; and no person shall be an alderman, unless he be a citizen of the State of Texas, and a bona fide resident of the town, and shall have resided within the town limits for six months preceding his election. That if any alderman shall, after his election, remove from the town, his office shall thereby be vacated. The town council shall judge of the election returns and the qualification of its members, and shall determine contested elections. The majority of the town council shall constitute a quorum to do business ; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as they may prescribe. The town council may determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of three members, may expel a member. All elections of officers shall be governed by the general law of the State concerning elections, and no property qualification for voters shall ever be required.

#### SESSIONS OF THE TOWN COUNCIL.

ART. 4. That all ordinances of the town council shall be read on three different days ; and a majority of the votes of the town council shall be necessary to pass all ordinances ; and on the passage of all ordinances, the "yeas" and "nays" shall be recorded.

#### GENERAL POWERS OF THE MAYOR AND TOWN COUNCIL.

ART. 5. That the mayor and town council shall have power within the town, by ordinance : First—To make regulations for preventing the introduction of contagious diseases into the town. Second—To establish a hospital, and make regulations for the government thereof. Third—To make regulations to secure the general health of the inhabitants, and prevent and remove nuisances. Fourth—To erect a market house, and market place, and to provide for the government thereof. Fifth—To license, tax and regulate billiard tables, tippling houses, and dram shops, and to suppress gaming and gambling houses, and other disorderly houses. Sixth—To provide for the prevention and extinguishment of fires, and organizing and establishing fire companies, and to regulate and restrain the carrying on of manufactories dangerous in causing or

producing fires. Seventh—To establish standard weights and measures and to regulate the weights and measures to be used in the town, in all cases not otherwise provided by law. Eighth—To fix the compensation of the town officers, not otherwise provided for, and to regulate the fees of all jurors, witnesses, and others, for services rendered under this act, or an ordinance. Ninth—To regulate the police of the town, to impose fines, forfeitures and penalties, to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties; *provided*, no fine shall exceed one hundred dollars, nor shall any term of imprisonment exceed fifteen days for any one offense. Tenth—To prevent the assemblage of idle persons at or near store house doors, whereby the trade of such store is interrupted, and also to prevent or restrain any riot, disturbance or disorderly assemblage in any street, house, or place in the town. Eleventh—To prevent and remove all encroachments upon all streets, lanes, avenues and alleys established by law, or ordinance. Twelfth—To exercise complete and perfect control over the common, and all property belonging to the town, real or personal, whether lying within or beyond the limits of the corporation created by this act, and the same to lease, sell, transfer and dispose of, either absolutely or within limitation, to any person or persons whomsoever, and generally to make such rules, regulations, by-laws, and ordinances for the purpose of maintaining the peace, good order and government of the "town of Millican," and the trade, commerce, and manufactures thereof, as the council may deem expedient, and as may not be repugnant to the laws and Constitution of the State; and to enforce the observance of said rules, regulations, by-laws, and ordinances, by inflicting penalties for the violation thereof, not exceeding one hundred dollars for any one offense, recoverable with costs in any action of debt, by and in the name of the "town of Millican," for the use of the town, before any court having cognizance of the same.

ART. 6. That the mayor shall be the chief executive officer of the town, and shall be elected by the qualified voters thereof, and shall hold his office for the term of two years. His salary shall be fixed by the aldermen of the town, but shall not, in any event, exceed the sum of five hundred dollars per annum and fees of office.

ART. 7. That there shall be a town marshal, whose duties shall be the same as those of other peace officers, and such other duties as may be prescribed by ordinances. The marshal shall be elected by the qualified voters of the town for the term of two years, and shall receive such salary, besides his fees in office, as the mayor and board of aldermen may, by by-law, determine.

ART. 8. That the mayor and the other officers of the corpora-



tion shall reside within the limits of the town during their continuance in office; and if the mayor shall cease to reside within the limits of the town, his office shall thereby be vacated. The mayor shall have the same jurisdiction as justices of the peace, within the limits of the town, in all State cases; he shall have jurisdiction over all cases arising under any ordinance of the town, subject to an appeal or writ of *certiorari*, in all cases, to the district court; and every such appeal shall be taken and granted in the same manner as appeals or writs of *certiorari* are taken and granted from the justice's court to the district court, under the general laws of the State. He shall charge in all cases the same fees as are now allowed to justices of the peace for the same kind of services, which fees shall be charged and collected as other costs; and he shall act as president of the board of aldermen.

ART. 9. The mayor shall be authorized to procure a seal for the use of his office, on which shall be engraved "Town of Millican, Mayor's Office."

ART. 10. That from and after the passage of this act it shall be unlawful to fire any pistol, rifle, shot gun, or other kind of firearms, within the limits of the town of Millican, and any person violating this act shall be fined not less than five nor more than twenty-five dollars, to be collected by the mayor of the town; but this act shall not prevent any gunsmith within the limits of the town from discharging on the premises thereof firearms made or repaired in his shop, for the purpose of training such firearms; *provided*, that none but gunsmiths shall have the privilege of being authorized to discharge firearms, and for that purpose each gunsmith shall build a rock wall, in front of which he shall cause a target to be placed. The mayor shall issue a permit to any gunsmith applying for the same for the period of one year, which permit may be renewed after its expiration.

ART. 11. That it shall not be lawful for any person to establish a slaughter house within the corporate limits of the town without the permission of the town council, nor shall it be lawful for any person to slaughter any butcher's meat of any kind within said corporate limits, except for the use of the person so slaughtering. Any person or persons so offending shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than ten dollars for each offense.

ART. 12. That this act shall take effect from and after its passage, and shall be subject to the provisions of an act entitled "An act to authorize the Governor to appoint certain officers to fill vacancies," approved June 28, 1870.

Approved March 13, 1871.

GENERAL LAWS  
OF THE  
STATE OF TEXAS

PASSED AT THE  
REGULAR SESSION  
OF THE  
TWENTY-FIRST LEGISLATURE

CONVENED AT THE  
CITY OF AUSTIN, JANUARY 8, 1889,

ADJOURNED APRIL 6, 1889.



AUSTIN:  
STATE PRINTING OFFICE.  
1889.



Madison, Leon, Clay, Parker, Jack, and the unorganized counties attached to the same for judicial purposes; Ellis, Anderson, Freestone, Cherokee, Stephens, Eastland, Erath, Comanche, Palo Pinto, Polk, Guadalupe, Throckmorton, Shackelford, Callahan, Taylor, Jones, Nolan, Mitchell, Haskell, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Gaines, Dawson, Borden, Scurry, Fisher, Howard, Martin, Andrews, Archer, Wichita, Baylor, Wheeler, Oldham, Knox, King, Dickson, [Dickens,] Crosby, Wilbarger, Childress, Lubbock, Hockley, Cochran, Bailey, Lamb, Lamar, Hale, Floyd, Motley, Cottle, Hall, Briscoe, Swisher, Castro, Parmer, Greer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Gray, Carson, Potter, Hutchinson, Hartley, Moore, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman, Hardeman, Dallam, Smith, Upshur, Cass, San Jacinto, Camp, Dimmit, Maverick, Kinney, Cameron, Jackson, Robertson, Kaufman, and the unorganized county of Zavala: *Provided*, That the exemption from the operation of this law shall not apply to Article 425: *And provided*, That the counties of Grimes, Angelina, Van Zandt, Walker, Trinity, Parker, Jack, Young, and Bell are hereby exempted from Articles 425, 426, 426½, 427, 428, and 429 of this act: *And provided*, That the county of Houston is hereby exempted from the provisions of Articles 426, 426½, 427, 428, and 429 of this act: *And provided*, That the counties of Fannin, Delta, and Hopkins are hereby exempted from the provisions of Articles 426 and 426½: *And provided*, That the counties of Lee and Fayette are exempted from the provisions of Articles 426 and 429: *And provided*, That the counties of Bastrop, Frio, and Brazoria are hereby exempted from the provisions of Article 429: *And provided*, That the counties of Gonzales, Karnes, Atascosa, [and] Morris are hereby exempted from the provisions of Articles 426, 426½, 427, and 428: *And provided*, That the counties of Bowie and Rusk are hereby exempted from the provisions of Articles 427, 428, and 429: *Provided further*, That the counties of Titus, Franklin, Rains, and Wood shall be exempted from the provisions of Article 423; and the counties of Waller, Tyler, Jasper, and Newton shall be exempted from the provisions of Article 426: *Provided further*, That the counties of Burnet and Lampasas are hereby exempt from the game and fish laws of this state: *Provided*, That the county of Karnes shall be exempted from the provisions of Articles 423, 424, 425, and 426.

Article 430a. That persons may take oysters from their beds within the prohibited time for the purpose of planting.

SEC. [2]. The fact that the provisions of the game law are now in force in certain counties herein exempted from the operations of the game law, creates an emergency and imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act originated in the house, and passed the same by a vote of 86 yeas, no nays; and passed the senate by a vote of 23 yeas, no nays.]

Approved, April 4, 1889.

#### MALICIOUS MISCHIEF.

SEC. 1. Amends Penal Code, Article 683, by adding Article 683b, for protection of moving trains.

CHAP. 40.—[H. B. No. 33.] An Act to amend Article 683, Chapter 3, Title 17, of the Penal Code of the State of Texas, relating to "Malicious Mischief," and providing a penalty therefor by adding thereto Article 683b.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 683 of the Penal Code of the State of Texas read as follows, to wit:

Article 683. If any person shall wilfully and mischievously injure or destroy any growing fruit, corn, grain, or other like agricultural products, or if any person shall wilfully or mischievously injure or destroy any real or personal property of any description whatever, in such manner as that the injury does not come within the description of any of the offenses against property otherwise provided for by this code, he shall be punished by fine not exceeding one thousand dollars: *Provided*, That when the value of the property injured is fifty dollars or less, then in that event he shall be punished by fine not exceeding two hundred dollars.

Article 683*b*. That any person who shall wilfully or maliciously throw a stone or other missile or fire a gun or pistol at or into any coach or passenger car of a moving railway train, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum of not less than twenty-five dollars and not more than one thousand dollars.

Approved, March 22, 1889.

#### OFFENSES AGAINST PROPERTY.

- Sec. 1. Amends Chapter 15, Title 17, of Penal Code—adding  
 Article 772*a*. Imposing penalty on inspector or deputy failing to examine and inspect hides, etc.  
 Article 772*b*. Imposing penalty on inspector for failure to keep book and record statement, etc.  
 Article 772*c*. As to certificate by inspector.  
 Article 772*d*. Return of certified copies to county clerk.

**CHAP. 41.**—[H. B. No. 336.] An Act to amend Chapter 15, of Title 17, of the Penal Code of the State of Texas, by the addition of Articles 772*a*, 772*b*, 772*c*, 772*d*.

**SECTION 1.** *Be it enacted by the Legislature of the State of Texas:* That Chapter 15, of Title 17, of the Penal Code of the State of Texas, be amended by the addition of the following articles:

Article 772*a*. If any inspector or deputy inspector of hides and animals shall knowingly fail or refuse to faithfully examine and inspect all hides or animals known or reported to him as sold, or as leaving or going out of the county for sale or shipment, and all animals driven or sold in his district for slaughter, packeries, or butcheries, shall be fined not less than twenty-five dollars nor more than two hundred dollars.

Article 772*b*. Any inspector of hides and animals who shall fail to provide and keep a well bound book and record therein a correct statement, showing the number, ages, and marks and brands of each animal inspected by him or by his deputy or deputies, and the number and all the marks and brands of all hides inspected by him or by his deputy or deputies, and whether the hides are dry or green, and the name or names of the vendor or vendors and of the purchaser or purchasers of said animals or hides, shall be fined not less than fifty dollars nor more than three hundred dollars.

Article 772*c*. Any inspector or deputy inspector of hides and animals who shall fail to correctly state in his certificate of inspection or in his certificate of acknowledgment all the marks and brands of all animals and hides inspected by him, shall be fined not less than twenty-five dollars nor more than three hundred dollars.

Article 772*d*. Any inspector of hides and animals who shall fail to return a certified copy of all entries made in his record during each month to the clerk of the county court of his county on the last day of each month, shall be fined not less than fifty nor more than three hundred dollars.

Approved, April 4, 1889.

# VERMONT



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in the same manner as though he was a resident of the same county.

Sundry fines  
how appro-  
priated.

Sec. 40. *And it is hereby further enacted*, That the several fines imposed in pursuance to this act, shall be appropriated as follows, to wit: The several fines paid to, or recovered by, the commanding officers of companies, shall be by the said captains and commanding officers appropriated for the purpose of purchasing and keeping in repair company colours, and such instruments of music as shall be directed by the commanding officer of the regiment; and should there be any fines collected to a greater amount than is necessary for that purpose, the same shall be paid annually to the regimental quarter master. All fines imposed by a regimental court martial, or which are declared to be for the use of a regiment, shall be paid to the regimental quarter master, and shall be appropriated for the purpose of procuring regimental colours, and keeping the same in repair, under the direction of the commanding officer of the regiment: and should there be a greater amount than is necessary for that purpose, the same shall be paid to the brigade quarter master, and shall be expended from time to time, under the order of the brigadier general, for the purpose of procuring tents, for the use of the militia of the brigade.

Governor  
may commis-  
sion adjutant  
general.

Sec. 41. *And it is hereby further enacted*, That the governor be, and hereby is authorised to commission the adjutant general, with the rank to which he is entitled by this act.

Unnecessary  
firing forbid-  
den.

Sec. 42. *And it is hereby further enacted*, That no non-commissioned officer, private or citizen shall unnecessarily fire a gun, single musket or pistol, in any public road, or near any house, or place of parade, on the evening preceding, on the day or evening of the same, on which any troop, company, battalion or regiment shall



be ordered to assemble for military duty, unless embodied under the command of some commissioned officer; and if any non-commissioned officer, private or citizen, shall fire a musket, single gun or pistol, except as aforesaid, on the day and evening as aforesaid, without being embodied as aforesaid, he shall forfeit and pay a fine of two dollars for each and every such offence to the treasurer of the town where such offence or offences shall have been committed, to and for the use and benefit of said town, together with costs of prosecution; to be recovered by complaint of any town grand juror, where the offence shall be committed, whose duty it is hereby declared to be, to prosecute the same before any justice of the peace of the same county where such offence or offences shall have been committed. *Provided*, That all prosecutions by virtue of this section, shall be commenced within thirty days next after the commission of such offence or offences, and not after.

Penalty.

How recovered.

Limitation of prosecution.

Sec. 43. *And it is hereby further enacted*, That all laws heretofore made for governing and regulating the militia of this state, are hereby repealed. *Provided nevertheless*, That all officers actually in commission, or appointed agreeable to said laws, shall be continued in their respective offices; and all fines and forfeitures which have already accrued, shall and may be recovered in the manner pointed out by said laws, or in the manner prescribed by this act.

Former militia laws repealed

Proviso.

Sec. 44. *And it is hereby further enacted*, That the rules and regulations for the field exercise and manoeuvres of infantry, compiled and adopted for the organization of the army of the United States, agreeable to a resolve of congress, passed December, 1814, be received, adopted and established as the rules of discipline for the militia of this state.

Rules of discipline for army of United States adopted.

# VIRGINIA

swearer, &c. the first offence of drunkenness to be fiftie pounds of tobacco, the first offence of swearing to be twelve pounds of tobacco, and for servants & people vnder age to be referred to the magistrates or com'rs. in the county courts to give them correction in case the parents or masters refuse to pay the fine, The second offence these mulkts and punishments to be doubled.

Pecuniary penalties.

Servants and minors how punished.

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LAWS OF VIRGINIA,  
MARCH, 1657-8 — 9th OF COMMONWEALTH.

ACT III.

*The Sabbath to bee kept holy.*

THAT the Lord's day be kept holy, and that no journeys be made except in case of emergent necessitie on that day, that no goods bee laden in boates nor shooteing in gunns or the like tending to the prophanation of that day, which duty is to be taken care of by the ministers and officers of the severall churches, &c by the comissioners in their places, and the partie delinquent to pay one hundred pounds of tobacco or layd in the stocks, and to take care that servants and others do repaire to their severall churches everie Lord's day.

No journey to be performed on the Lord's day, nor goods laden, nor guns fired.

Penalty. Servants and others to attend church.

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ACT IV.

*Against Biggamy.*

THE lawes of England against biggamy or haveing more then one wife or husband shall be putt in execution in this countrie.

Laws of England against bigamy adopted.

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ACT V.

*Warrants and Writts, how to issue.*

ALL warrants and other writts for suites in lawe shall ordinarielie issue vnder the secretarie or clarkes hand, either for quarter courte, countie court, and the sherriffes summons on the said

Process to issue from under the clerk's or secretary's hands, or by

## Meeting Minutes of University of Virginia Board of Visitors, 4–5 Oct. 1824, 4 October 1824

At a meeting of the Visitors of the University, at the University on Monday 4<sup>th</sup> of October 1824. at which were present Thomas Jefferson, James Madison, James Breckenridge, John H. Cocke, George Loyall and Joseph C. Cabell.

Resolved that the board ratify two purchases of land in front of the Rotunda purchased of Daniel A. Piper, and Mary A. F. his wife.

Resolved that permission be given to Francis W. Gilmer, now on his mission to Great Britain for the purpose of engaging Professors for the University, to use, for his expences six or seven hundred dollars of the 6000.D. put into his hands for the purchase of books and apparatus.

Resolved that it is the opinion of the board that if the arrearages of subscription should not be sufficient to pay for the articles of marble contracted for in Italy, it will be proper to supply the deficiency from the annuity of the year 1825.

Resolved that the Bursar be authorised to enter into negotiation with any one of the banks for the purpose of procuring an advance of the sperate part of the arrears of subscription, with an understanding that the University shall not be called on for the reimbursment of the monies till such time as they shall be paid by the subscribers, or within such other time as shall be reasonable.

Resolved that the rent for the hotels be fixed at 200.D. per annum.

The board then proceeding to consider the regulations necessary for constituting, governing and conducting the Institution in addition to those passed at their last session, agreed to the following supplementary enactments.

Each of the schools of the University shall be held two hours of every other day of the week: and that every student may be enabled to attend those of his choice, let their sessions be so arranged, as to days and hours that no two of them shall be holden at the same time. therefore

The school of Antient languages shall occupy from 7<sup>H</sup>-30' to 9<sup>H</sup>-30' A.M on Mondays, Wednesdays and Fridays

That of Modern languages shall occupy the same hours on Tuesdays, Thursdays and Saturdays.

That of Mathematics shall occupy from 9<sup>H</sup>-30' to 11<sup>H</sup>-30' A.M. on Mondays, Wednesdays and Fridays

That of Natural Philosophy the same hours on Tuesdays, Thursdays and Saturdays

That of Natural history shall occupy from 11<sup>H</sup>-30' A.M. to 1<sup>H</sup>-30' P.M. on Mondays, Wednesdays, and Fridays.

That of Anatomy and Medicine the some hours on Tuesdays, Thursdays, and Saturdays.

That of Moral Philosophy shall occupy from 1<sup>H</sup>-30' to 3<sup>H</sup>-30' P.M. on Mondays, Wednesdays, and Fridays.

That of Law the same hours on Tuesdays, Thursdays, and Saturdays.

| M.            | Tu.           | W.            | Th.           | F.            | Sa.           |                       |
|---------------|---------------|---------------|---------------|---------------|---------------|-----------------------|
| 7-30<br>9-30  |               | 7-30<br>9-30  |               | 7-30<br>9-30  |               | Antient<br>languages  |
|               | 7-30<br>9-30  |               | 7-30<br>9-30  |               | 7-30<br>9-30  | Modern<br>languages   |
| 9-30<br>11-30 |               | 9-30<br>11-30 |               | 9-30<br>11-30 |               | Mathematics           |
|               | 9-30<br>11-30 |               | 9-30<br>11-30 |               | 9-30<br>11-30 | Natural<br>Philosophy |
| 11-30<br>1-30 |               | 11-30<br>1-30 |               | 11-30<br>1-30 |               | Natural<br>History    |
|               | 11-30<br>1-30 |               | 11-30<br>1-30 |               | 11-30<br>1-30 | Anatomy<br>Medicine   |
| 1-30<br>3-30  |               | 1-30<br>3-30  |               | 1-30<br>3-30  |               | Moral<br>Philosophy   |
|               | 1-30<br>3-30  |               | 1-30<br>3-30  |               | 1-30<br>3-30  | Law                   |

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The Visitors of the University shall be free, severally or together, to attend occasionally any school, during it's session, as Inspectors and judges of the mode in which it is conducted.

Where the instruction is by lessons, and the class too numerous for a single instructor, Assistant tutors may be employed, to be chosen by the Professor, to have the use of two adjacent dormitories each, rent-free, and to divide with the Professor the tuition fees, as shall be agreed between them.

The Professors, tutors, and all officers of the University shall reside constantly in the apartments of the University, or of it's precincts, assigned to them.

At meetings of the Faculty of Professors, on matters within their functions, one of them shall preside, by rotation, for the term of one year each. a majority of the members shall make a Quorum for business. they may appoint a Secretary of their own body, or otherwise, who shall keep a journal of their proceedings, and lay the same before the board of Visitors at their first ensuing meeting, and whenever else required. the compensation of such Secretary shall be 50.D. yearly, payable from the funds of the University.

Meetings of the Faculty may be called by the presiding member of the year, or by any three of the Professors, to be held in an apartment of the Rotunda, and the object of the call shall be expressed in the written notification to be served by the Janitor. but, when assembled, other business also may be transacted.

The Faculty may appoint a Janitor, who shall attend it's meetings, their several schools while in session, and the meetings of the Visitors; and shall perform necessary menial offices for them, for which he shall receive 150. Dollars yearly from the fund of the University, and be furnished with a lodging room.

No student is to be received under 16. years of age, rigorously proved. none to be admitted into the Mathematical school, or that of Natural Philosophy, who is not an adept in all the branches of numerical arithmetic; and none into the school of antient languages, unless qualified, in the judgment of the professor, to commence reading the higher Latin classics; nor to receive instruction in Greek, unless qualified in the same degree in that language.

No one shall enter as a Student of the University, either at the beginning, or during the progress of the session, but as for the whole session, ending on the 15<sup>th</sup> day of December, and paying as for the whole

The Dormitories shall be occupied by two Students each, and no more, at 16.D. yearly rent to be paid to the Proctor at or before the end of the session, one half by each occupant, or the whole by one, if there be only one. and every student, within the same term, shall pay to the Proctor, also, for the University, 15.D. annually for his participation in the use of the public apartments, during the session.

The Students shall be free to diet themselves in any of the Hotels of the University, at their choice, or elsewhere, other than in taverns, as shall suit themselves. but not more than 50. shall be allowed to diet at the same Hotel.

No keeper of any of the Hotels of the University shall require or receive more than 100.D. for dieting any student and for performing the necessary offices of his Dormitory, during the session of ten months and an half, nor shall suffer ardent spirits or wine mixed or unmixed to be drank within his tenement, on pain of an immediate determination of his lease, and removal by the Faculty; nor shall any person boarding elsewhere than with their parents, in any house, and using wine or ardent spirits, mixed or unmixed, within such house, or it's tenement, or paying more than 120 Dollars, for diet, lodging, and other offices and accommodations of the house and tenement, during a like term, be admitted to any school of the University.

Every student shall be free to attend the schools of his choice, and no other than he chuses.

There shall be one vacation only in the year, and that shall be from the 15<sup>th</sup> day of December to the last day of January.

Examinations of the candidates for honorary distinctions shall be held in the presence of all the Professors and Students, in the week preceding the commencement of the vacation. at these examinations shall be given, to the highly meritorious only, and by the vote of a majority of the Professors, Diplomas, or premiums of Medals or books, to be provided by the University, to wit, Diplomas to those of the highest qualification, medals of more or less value, to those of a 2<sup>d</sup> grade of acquisition, and books of more or less value to those of a 3<sup>d</sup>. these Diplomas shall be of two degrees; the highest of Doctor, the second of Graduate. and the Diploma of each shall express the particular school or schools in which the Candidate shall have been declared eminent, and shall be subscribed by the particular professors approving it. but no Diploma shall be given to any one who has not passed such an examination in the Latin language as shall have proved him able to read the highest classics in that language with ease, thorough understanding, and just quantity. and if he be also a proficient in the Greek, let that too be stated in his Diploma. the intention being that the reputation of the University shall not be committed but to those who, to

an eminence in some one or more of the sciences taught in it, are a proficiency in these languages which constitute the basis of good education, and are indispensable to fill up the character of a 'well educated man.'

Punishments for major offences shall be Expulsion, temporary suspension, or Interdiction of residence or appearance within the precincts of the University. the Minor punishments shall be Restraint within those Precincts, within their own chamber, or in diet; Reproof, by a Professor privately, or in presence of the school of the offender, or of all the schools, a seat of degradation in his school room of longer or shorter duration, Removal to a lower class, Dismission from the schoolroom for the day, imposition of a task, and insubordination to these sentences shall be deemed & punished as Contumacy.

Contumacy shall be liable to any of the minor punishments.

The Precincts of the University are to be understood as co-extensive with the lot or parcel of it's own grounds on which it is situated.

The major punishments of expulsion from the University, temporary suspension of attendance and presence there, or interdiction of residence or appearance within it's precincts, shall be decreed by the professors themselves. Minor cases may be referred to a board of six Censors, to be named by the Faculty, from among the most discreet of the Students, whose duty it shall be, sitting as a Board, to enquire into the facts, propose the minor punishment which they think proportioned to the offence, and to make report thereof to the Professors for their approbation, or their commutation of the penalty, if it be beyond the grade of the offence. these Censors shall hold their offices until the end of the session of their appointment, if not sooner revoked by the Faculty.

Inattendance on school, inattention to the exercises prescribed, and misbehavior or indecorum in school shall be subject to any of the minor punishments; and the professor of the school may singly reprove, impose a task, or dismiss from the room for the day.

Habits of expence, of dissoluteness, dissipation, or of playing at games of chance, being obstructive to the acquisition of science by the student himself and injurious, by example to others, shall be subject, in the first instance, to admonition and reproof to the offender, and to communication & warning to the parent or guardian; and, if not satisfactorily corrected, to a refusal of further continuance at the University.

No Student shall make any festive entertainment within the precincts of the University, nor contribute to, or be present at them there or elsewhere, but with the consent of each of the Professors whose school he attends, on pain of a minor punishment.

No Student shall admit any disturbing noises in his room, or make them any where within the precincts the University, or fire a gun or pistol within the same, on pain of such minor sentence as the faculty shall decree or approve. but the proper use of musical instruments, shall be freely allowed in their rooms, and in that appropriated for instruction of music.

Riotous, disorderly, intemperate or indecent conduct of any student within the precincts shall be punished by interdiction of a residence within the precincts; and repetitions of such offences, by expulsion from the University.

Fighting with weapons which may inflict death, or a challenge to such fight, given or accepted, shall be punished by instant expulsion from the University, not remissible by the Faculty; and it shall be the duty of the Proctor to give information thereof to the civil magistrate, that the parties may be dealt with according to law.

Offences cognisable by the laws of the land shall be left to the cognisance of the civil magistrate, if claimed by him, or otherwise to the judgment of the Faculty: all others to that of the Faculty. and such of these as are not specially designated in the enactments of the Visitors may be subjected by the Faculty to any of the minor punishments permitted by these enactments.

Sentences of expulsion from the University (except in the case of challenge or combat with arms) shall not be final until approved by the board of Visitors or, when they are not in session, by a majority of them, separately consulted. but residence within the precincts, and attendance on the schools may be suspended in the mean time.

No Student shall, within the precincts of the University, introduce, keep or use any spirituous or vinous liquors, keep or use weapons or arms of any kind, or gunpowder, keep a servant, horse or dog, appear in school with a stick, or any weapon, nor, while in school, be covered without permission of the Professor, nor use tobacco by smoking or chewing, on pain of any of the minor punishments at the discretion of the Faculty, or of the board of Censors, approved by the Faculty.

All damages done to instruments, books, buildings, or other property of the University by any student, shall be made good at his expense; and wilful injury to any tree, shrub, or other plant, within the precincts, shall be punished by fine, not exceeding ten dollars, at the discretion of the Faculty

When a Professor knocks at the door of a student's room, any person being within, and announces himself, it shall be opened, on pain of a minor punishment; and the Professor may, if refused, have the door broken open; and the expences of repair shall be levied on the Student, or Students within.

At the hour appointed for the meeting of every school, the roll of the school shall be called over, the absentees, and those appearing tardily, shall be noted, and if no sufficient cause be offered, at the rising of the school, to the satisfaction of the Professor, the notation shall stand confirmed, and shall be given in to the Faculty, the presiding member of which for the time being shall, on the 15<sup>th</sup> days of May, August and December, or as soon after each of these days as may be, transmit by mail a list of these notations to the parent or guardian of each delinquent.

When testimony is required from a Student, it shall be voluntary, and not on oath. and the obligation to give it shall be left to his own sense of right.

Should the religious sects of this state, or any of them, according to the invitation held out to them, establish within, or adjacent to, the precinct of the University, schools for instruction in the religion of their sect, the students of the University will be free, and expected to attend religious worship at the establishment of their respective sects, in the morning, and in time to meet their school in the University at it's stated hour.

The Students of such religious school, if they attend any school of the University, shall be considered as Students of the University, subject to the same regulations, and entitled to the same rights and privileges.

The room provided for a schoolroom in every Pavilion shall be used for the school of it's occupant Professor, and shall be furnished by the University with necessary benches and tables.

The upper circular room of the Rotunda shall be reserved for a Library.

One of it's large elliptical rooms on it's middle floor shall be used for annual examinations, for lectures to such schools as are too numerous for their ordinary schoolrooms, and for religious worship, under the regulations allowed to be prescribed by law. the other rooms on the same floor may be used by schools of instruction in drawing, music, or any other of the innocent and ornamental accomplishments of life; but under such instructors only as shall be approved and licensed by the Faculty.

The rooms in the Basement story of the Rotunda shall be, one of them for a Chemical laboratory; and the others for any necessary purpose to which they may be adapted.

The two open apartments, adjacent to the same story of the Rotunda, shall be appropriated to the Gymnastic exercises and games of the Students, among which shall be reckoned military exercises.

A military Instructor shall be provided at the expense of the University, to be appointed by the Faculty, who shall attend on every Saturday from half after one o'clock, to half after three P.M. and shall instruct the Students in the Manual exercise, in field evolutions, manœuvres and encampments. the Students shall attend these exercises, and shall be obedient to the military orders of their Instructor. the roll shall be regularly called over by him at the hour of meeting, absences and insubordinations shall be noted, and the list of the delinquents shall be delivered to the presiding member of the Faculty for the time being, to be animadverted on by the Faculty, and such minor punishments imposed as each case shall, in their discretion, require. the school of Modern languages shall be pretermitted on the days of actual military exercise.

Substitutes in the form of arms shall be provided by the Proctor, at the expence of the University; they shall be distinguished by numbers, delivered out, recieved in and deposited under the care and responsibility of the Instructor, in a proper depository to be furnished him; and all injuries to them by a student shall be repaired at the expence of such Student.

Work-shops shall be provided, whenever convenient, at the expence of the University, wherein the Students, who chuse, may exercise themselves in the use of tools, and such mechanical practices as it is convenient and useful for every person to understand, and occasionally to practice. these shops may be let, rent-free to such skilful and orderly Mechanics as shall be approved by the Faculty, on the condition that they will permit the use of their tools, instruments and implements, within the shop, to such students as shall desire and use the permission discreetly, and under a liability for any injury they may do them; and on the further condition, if necessary, of such Mechanic's recieving instruction gratis in the mechanical and philosophical principles of his art, so far as taught in any of the schools.

The Board then proceeded to consider the draught of a Report to be made, as required by law, to the President and Directors of the Literary fund, and before concluding it finally they adjourned to tomorrow morning.

Tuesday October 5<sup>th</sup> 1824.

The board met pursuant to adjournment. present Thomas Jefferson, James Breckenridge, John H.Cocke and Joseph C. Cabell.

On motion, Resolved that the Proctor be authorised and required, after the 15<sup>th</sup> day of November next, to lease the Hotels of the University to such persons, offering, of worthy and proper character, as he shall approve; that the leases shall not be of a longer term than one year; and that he cause to be inserted therein such covenants as he shall deem necessary as to the preservation of the houses, inclosures, and appurtenances of the tenements, and

observance of the preceding regulations and that this be published without delay, that all persons may have notice who may desire to apply.

And the Board, having concluded, and agreed to the Report to be made to the President and Directors of the Literary Fund, adjourned without day.

TH: JEFFERSON Rector.

October 5<sup>th</sup> 1824.

Which Report is in the words following.

To the President and Directors of the Literary fund.

In obedience to the law requiring that the Rector and Visitors of the University of Virginia should make report annually to the President and Directors of the Literary fund (to be laid before the legislature at their next succeeding session) embracing a full account of the disbursements, the funds on hand, and a general statement of the condition of the sd University, the sd Rector and Visitors make the following Report.

ViU.

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21. If any person carrying any gun, pistol, bowie-knife, dagger, or other dangerous weapon, to any place of worship while a meeting for religious purposes is being held at such place, or without good and sufficient cause therefor, shall carry any such weapon on Sunday at any place other than his own premises, shall be fined not less than twenty dollars. If any offence under this section be committed at a place of religious worship, the offender may be arrested on the order of a conservator of the peace, without warrant, and held until warrant can be obtained, but not exceeding three hours. It shall be the duty of justices of the peace, upon their own knowledge, or upon the affidavit of any person, that an offence under this section has been committed, to issue a warrant for the arrest of the offender.

Carrying dangerous weapons at a place of worship or on Sunday

Penalty

Offenders subject to arrest without warrant

Duty of justice where he knows of offence under this section

*Protection of religious assemblies; prohibition against sale of liquors or other things near such meetings; proviso.*

22. If any person shall erect, place, or have any booth, stall, tent, carriage, boat, vessel, vehicle, or other contrivance whatever, for the purpose or use of selling, giving, or otherwise disposing of any kind of spirituous and fermented liquors, or any other articles of traffic; or shall sell, give, barter, or otherwise dispose of any spirituous or fermented liquors, or any other articles of traffic within three miles of any camp-meeting, or other place of religious worship, during the time of holding any meeting for religious worship at such place, such person, on conviction before a justice of the peace, for the first offence, shall be fined not less than ten dollars, nor more than twenty dollars, and stand committed to jail until the fine and costs are paid; and for the second offence, shall be fined as aforesaid, and be imprisoned not less than ten nor more than thirty days.

Sale of liquors, &c., prohibited

Penalty

Penalty for second offence

23. If any person shall commit any offence against the provisions of the preceding section, he shall, in addition to the penalties therein mentioned, forfeit all such spirituous or fermented liquors, and other articles of traffic, and all the chests and other things containing the same, belonging to and in the possession of the person so offending, together with such booth, stall, tent, carriage, boat, vessel, vehicle, or other contrivance or thing prepared and used in violation of said section; and it shall be the duty of any sheriff, deputy sheriff, or constable, if he sees any person violating the preceding section, to arrest the offender and carry him before a justice of the peace. The sheriff, deputy sheriff, or constable, when he arrests the offender, shall seize the property hereby declared to be forfeited, or shall seize the same on a warrant against the offender, if such offender cannot be found; and the justice of the peace before whom such offender is convicted, or before whom the warrant is returned that the offender cannot be found, shall enter judgment of condemnation against such property, and issue a fieri facias for the

Additional penalty

Duty of sheriffs, &c., to arrest offender and seize the property

Judgment of condemnation

Fl. fa. to issue  
Proviso

sale thereof: provided the person who has been returned not found, and whose property has been condemned in his absence, may appear at any time before the sale of the property and have the case tried as if he had appeared at the return of the warrant.

To whom provisions not to apply

24. The provisions of the two preceding sections shall not apply to any licensed tavern-keeper, merchant, shop-keeper, farmer, or other person in the usual and lawful transaction of his ordinary business, in the usual place of transacting such business, or to any person having permission, in writing from the superintendent of such meeting, to sell such articles as may be named in such permission: provided this permission shall not extend to the sale of any spirituous or fermented liquors.

Proviso

*Right of appeal.*

Right of appeal preserved

25. Nothing in this chapter shall prevent the courts of record from exercising their common law or statutory jurisdiction in all cases for disturbing public worship: provided that the party convicted under the twenty-second or twenty-third sections of this chapter shall have the right to appeal to the next county court for the county where the conviction is had, upon giving bail for his appearance at court, and upon such appeal shall be entitled to a trial by jury: and provided further, that when any person or persons are proceeded against under the twenty-second or twenty-third sections of this chapter, he or they shall not be held to answer for the same offence before any grand jury or court of record, except as herein provided.

Proviso

Persons proceeded against not subject to answer before grand jury

*Temporary police force for religious meetings.*

Temporary police authorized

26. The supervisor, or any justice of the magisterial district where the meeting is held, shall have power to appoint a temporary police to enforce the provisions of this chapter.

---

CHAPTER VIII.

OF OFFENCES AGAINST PUBLIC HEALTH.

*Selling unsound provisions.*

Sale of unsound provisions

1. If a person knowingly sell any diseased, corrupted, or unwholesome provisions, whether meat or drink, without making the same known to the buyer, he shall be confined in jail not more than six months, and fined not exceeding one hundred dollars.

Penalty



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CHAP. 258.—An ACT to incorporate the Smithfield Evergreen Cemetery, near the town of Smithfield, in the county of Isle of Wight, Virginia.

Approved February 26, 1886.

1. Be it enacted by the general assembly of Virginia, That Corporators. J. W. Johnson, J. A. Brown, R. E. Holloway, A. J. Cofer, Peter Hillyer, W. G. Rouse, J. A. Johnson, R. N. Ritman, T. H. Southall, Geo. W. Parker, Arnold King, Jno. T. Purvis, A. W. Tobey, C. F. Nelms, C. E. Smith, George W. Wilson, and their successors in office, be and now are hereby constituted a body corporate and politic, to be known as the Smithfield Name. Evergreen Cemetery company; by which name and style they shall and may have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, contract and be contracted with, at all times and in all courts and places, and in all matters whatsoever.
2. The Smithfield Evergreen Cemetery company shall have Powers, &c. the power, right and authority to buy and to hold a piece and parcel of land not to exceed five acres, near and convenient to the town of Smithfield, to be appropriated and used for a burying-ground and cemetery, and for that purpose may lay off the same into lots and sub-divisions of lots, suitable for graves, vaults and monuments, and may improve or ornament the same with trees and shrubbery and flowers, and lay out with roads, walks, paths and drives; and the land thus bought, laid out, improved and ornamented shall be held by the said corporation for the purposes of a cemetery, as aforesaid, and for that purpose only.
3. The said Smithfield Evergreen Cemetery company may May sell lots, &c sell and convey any of the lots or sub-divisions in said cemetery, for burial purposes, on such conditions as they may prescribe in their by-laws; and the lots may be held for burial purposes only, and shall not be subject to any sale by any order of court, and shall not be conveyed by the owner out of his family, after any interments have been made therein, and they shall not at any time be sold to or owned or used by any person except he be a white person
4. The officers of the said Smithfield Evergreen Cemetery Officers. company shall consist of a president, treasurer, secretary and board of directors, composed of stockholders, who shall be elected on the third day of April, eighteen hundred and eighty-six, and on the third day of April of each and every year thereafter, at the general and annual meeting to be held on the third day of April of each and every year. The said officers shall be elected by a majority of the votes cast, and each stockholder may, in person or by proxy, cast one vote for each share of stock he or she may own.
5. A special meeting of the stockholders may be held at any Special meet'ng time, by the call of the president or board of directors, on giving five days' notice of the time and place of meeting to the resident stockholders, when they may transact any and all business, and

do any and all things that may be transacted and done at a regular and general annual meeting.

Officers appointed.

6. The officers for the company for the present shall be, J. W. Johnson, president; J. A. Brown, treasurer; Richard E. Halloway, secretary; A. J. Cofer, Jas. A. Brown, J. W. Johnson, R. N. Ritman, Peter Hillyer, board of directors; and they shall hold these offices until the third day of April, eighteen hundred and eighty-six, and until their successors are duly elected and qualified; and all officers thereafter elected shall hold office until the third day of April of the year succeeding their election, and until their successors are elected and qualified.

Engineer to lay off lots, &c.

7. The said president and board of directors may employ a skillful engineer to survey a piece or parcel of land bought or which may be bought by them, to lay it off into lots and sub-divisions of lots, paths, walks, roads and drives; and they may determine the size and price of the said lots and sub-divisions, and positions and depths of the graves, the enclosure, and ornamentation of the cemetery, and make all the arrangements for the sale and transfer of the lots when the same is surveyed and the number, size and location of the lots is ascertained; a copy of the same and plot showing the number, size and location of said lots, shall be filed and recorded in the clerk's office of the county court of Isle of Wight county. The lots shall be conveyed by deed of the said Smithfield Evergreen Cemetery company, signed by its president, with the seal of the said Smithfield Evergreen Cemetery company, if it has one, attached to the deed.

Directors.

Stock.

8. The said board of directors shall likewise determine how the stock of the company shall be made, authenticated, transferred and verified. Shares of stock shall be deemed personal property, and as such shall pass to the personal representative or assignee of the stockholder. A book shall be kept by the company showing the number of shares and the holders of these shares; and where they are assigned or transferred, the name of the assignee. If the share of any subscriber is not paid promptly when due it shall and may be recovered of him by warrant or action according to the amount; and if the same with costs cannot be made out of the delinquent subscriber, his share may be sold at public auction for ready money, and transferred to the purchaser. And out of the proceeds of sale there shall be paid all costs and charges and interest thereon; and the surplus if any shall go and be paid to the delinquent or his personal representative. If the said company shall fail to prescribe how its stock shall be issued, held, transferred and assigned, it shall be held, transferred and assigned as is now prescribed by the Code of Virginia eighteen hundred and seventy-three, page five hundred and fifty, fifty-one and fifty-two. And if the said Smithfield Evergreen Cemetery company shall fail to prescribe when and how its dividends may be declared, and its capital stock divided, then such dividends shall be declared and capital divided as is prescribed in the said Code, page five hundred and fifty-two, sections thirty-two, thirty-three and thirty four.

9. There shall be no enclosure of graves within the general enclosure of the cemetery, no rank growing-vines in any of the lots of the said Smithfield Evergreen cemetery, and no lettered boards designating graves, unless allowed by the board of directors of the company, and unless they conform to the general requirements of the company. But the said company or any owner of any lot may dig a vault in his lot, or adorn it by a monument or tombstone, or shrubbery or flowers, which are not by their branches or roots or otherwise detrimental to the adjacent lot or ornaments, or are not unsightly or inconvenient to visitors; and if they are, in the judgment of the board of directors, detrimental, or unsightly, or inconvenient, then the board of directors may order the removal of the same, either specially or by such general laws as they may adopt; and if they are not removed within the time specified, then the board of directors may order and cause them to be removed at the cost and charge of the party or parties who own the lot, and may collect the same by warrant or action, according to amount; and if any plank, earth, bricks, lime, cement, mortar or material of any kind, used by any one in the burial of any person, or in the adornment of any grave or lot, or for any other purposes, is not removed by the party or parties owning the lot, or ordering or directing or doing the work, then the said company may order the removal of the said earth, plank, bricks, lime, cement, mortar, material or rubbish of any kind; and if it is not removed in the time specified by its special or general order in its by-laws, then the board of directors may order the removal of the said earth, planks, bricks, lime, cement, mortar or rubbish at the cost and charges of the party or parties owning the said lot, or ordering or doing the said work, and may collect the same by warrant or action, according to amount.

10. Any person who shall wilfully destroy, injure or remove any tombstone or monument placed in the said cemetery, or shall wilfully remove, destroy, cut, break or injure any railing or fence, trees, shrubs, plants or flowers in said cemetery; or shall shoot off or discharge any gun, pistol or other firearm within the said enclosure, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than five dollars; and the money, when collected, shall be applied to reparation or restoration of the property injured, and if not injured it shall go into the general treasury of the said company, to be applied as said company may direct.

11. All persons and employees connected with this cemetery shall be special policemen, with full power to arrest all intruders and depredators on the premises; and visitors and owners of lots are alike reminded that the grounds are sacredly devoted to the interment of the dead, and that the strict observances of the decorum which should characterize such a place, will be required equally and alike of each and all.

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

Commencem't.

**WISCONSIN**





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complaint shall be read to the defendant, and he shall plead to the offense charged therein.

FORM OF WARRANT.

STATE OF WISCONSIN, }  
 Winnebago County, } ss. Form.  
 City of Neenah. }

The state of Wisconsin, to the sheriff or any constable of said county:

Whereas, A—— B—— has this day complained to me in writing, on oath, that in the said city on the —— day of ——, A. D. 18—, one C—— D—— was guilty of (here name the nature of the offense). Now, therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the said C—— D——, and bring him before the undersigned, one of the justices of the peace of said city, to answer to said complaint, and to be dealt with according to law.

Given under my hand, this —— day of ——, 18—.

E— F—, Justice of the Peace.

SECTION 162. Any person who shall be found in or upon any street, alley or public ground within said city, or within any saloon, shop, store, grocery, hall, church, school house, barn, building or other place within said city in a state of intoxication, or who, in any of the aforesaid places, shall be guilty of immoderate drinking, improper reveling, obscenity, noisy, boisterous or disorderly conduct, or who, in any of the aforesaid places, shall use toward or in the presence of another, violent or insulting language, or be guilty of any breach of the peace, or of firing any gun or pistol, or fighting or threatening to fight, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding twenty-five dollars (\$25) and costs of prosecution, or imprisonment in the county jail not more than ninety days, or both, in the discretion of the court.

Disorderly persons, how punished.

SECTION 163. It shall be the duty of the chief of police and all police officers of said city, and they are hereby authorized and required to summarily arrest and take before either of the justices of said city, any person offending as aforesaid, or who shall in any other manner be engaged in violating any of the provisions of this act, or any ordinance made, or to be made in pur-

Police may summarily arrest.

suance thereof, or any ordinance existing at the time of the passage of this act, and herein declared to be in full force until altered or repealed; and upon conviction thereof, shall suffer the punishment prescribed for such offense in this act or the ordinances of said city.

Use of jail.

SECTION 164. The use of the jail of Winnebago county, until otherwise provided, shall be granted to said city for the confinement of criminals, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery, the said sheriff shall be responsible as in other cases.

Watch house.

SECTION 165. Said common council shall have power to build, purchase or lease, and maintain and regulate a watch house or place for the confinement of offenders, and for the temporary detention of suspected persons, and it shall be lawful for the chief of police, policeman, watchman or other peace officer to temporarily confine in the lock-up of said city, any person under arrest until such person can properly be taken before a justice of the peace for examination or trial, and for such justice, after such person shall have been taken before him, to order such person for safe keeping to be confined therein from time to time, until such examination or trial shall have been completed.

Regarding penalties.

SECTION 166. Whenever, by the provisions of this act, a penalty or forfeiture is imposed, and the act or omission for which the same is imposed is not also declared to be a misdemeanor, such penalty or forfeiture shall be collected in an action in the name of the city before either of the justices thereof, to be commenced by warrant and prosecuted in the same manner as actions of tort before justices of the peace. In such actions the city shall be responsible for the costs, and one-half the penalty shall be paid to the city, the other half to the use of the state school fund. The affidavit for the warrant shall be the complaint, and be sufficient if it allege that the defendant is indebted to the plaintiff in the amount of such fine, penalty or forfeiture sued for, claiming the highest sum thereof according to the provisions of this act, or specifying the same by section, chapter, title, or otherwise with sufficient plainness to identify the same, with a demand for judgment for the amount thereof.

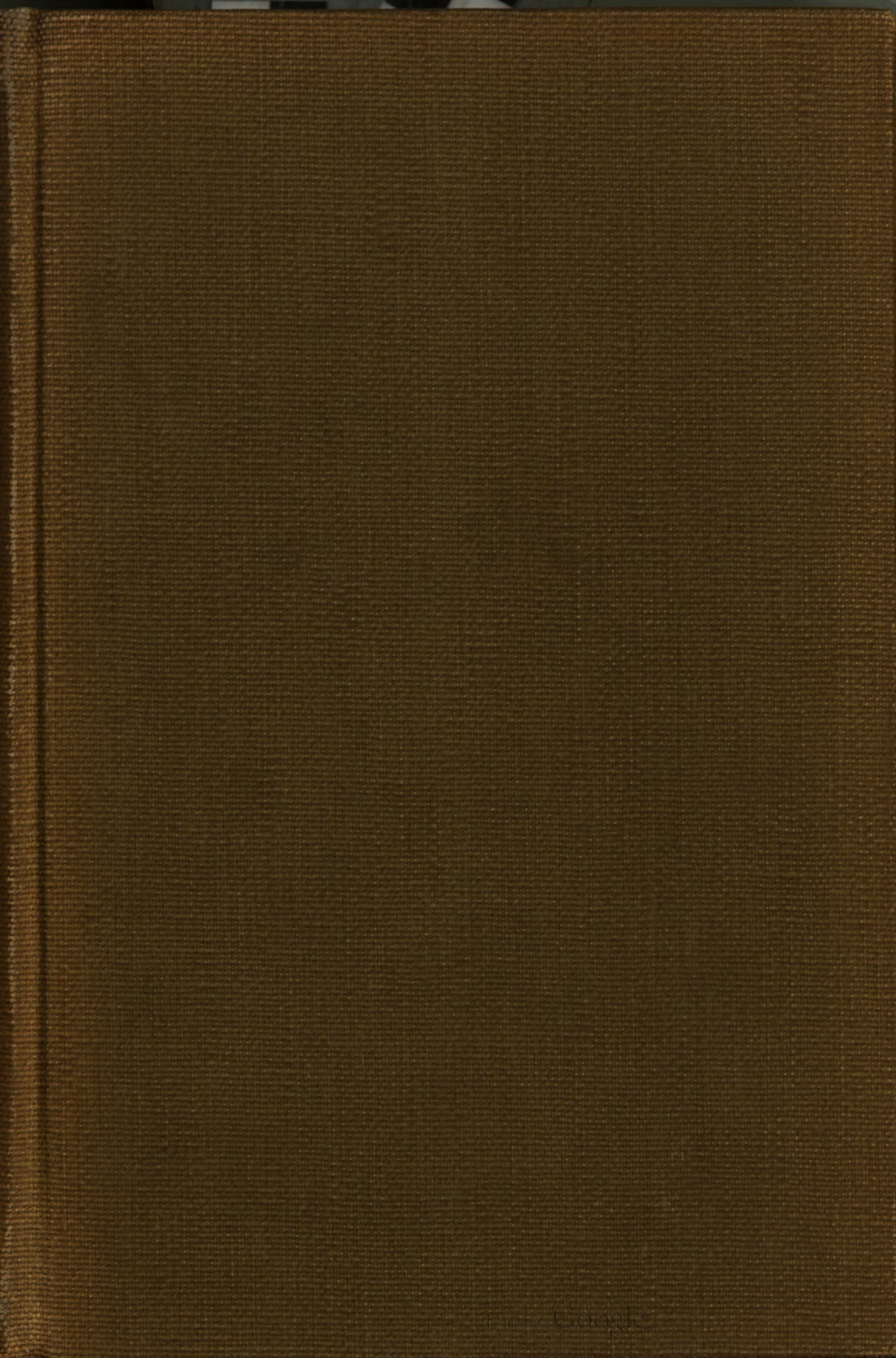
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# CHARTER

—AND—

## ORDINANCES

—OF THE—

# CITY OF LA CROSSE,

—WITH THE—

## RULES OF THE COMMON COUNCIL.

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PUBLISHED BY ORDER OF THE COMMON COUNCIL.

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LA CROSSE, WIS.:  
THE REPUBLICAN AND LEADER,  
1888.



JOHN

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### ERRATA.

“Section 3” at foot of page 199 should read “Section 4.”

Ordinance 32 on page 214 is a duplicate of Ordinance 31 instead of No. 32 as there stated.

“Section 6” at foot of page 308 should read “Section 5.”

“Section 8” at end of Ordinance No. 102, page 320, should read “Section 6.”

SECTION 3. [As amended by ordinance No. 118.] Any person may give notice to have trees trimmed as required by this ordinance.

The board of public works or any public officer or any other person being a resident of the city of La Crosse may give verbal notice to any owner or occupant of any lot or parcel of land of the existence of any tree not trimmed as hereinbefore required upon or opposite the premises of the person so notified, and may also verbally demand of such owner or occupant to trim or cause to be trimmed such tree as herein prescribed or wholly to remove the same, at the option of such owner or occupant, within forty-eight hours after such notice and demand.

SECTION 4. Any owner or occupant of any lot or parcel of ground in the city of La Crosse who, having been notified as required in section three of this ordinance, shall neglect or refuse to trim or remove any tree or trees standing upon or in front of his or her premises and not trimmed as required in section two of this ordinance, shall upon conviction thereof, be punished by a fine of not less than one dollar nor more than ten dollars, and by a like fine for each twenty-four hours after the expiration of the forty-eight hours mentioned in the notice and demand aforesaid, that such person shall continue to neglect and refuse compliance therewith.

Penalty for not complying with provisions of this ordinance.

SECTION 5. No person shall cut, break, tear, deface or otherwise injure or destroy any ornamental or shade tree or shrub other than his own, upon any sidewalk or in any street, alley or other public place within the limits of the city of La Crosse under a penalty of not less than ten dollars and not exceeding fifty dollars for each and every offense.

Penalty for cutting or defacing trees.

SECTION 6. No person shall fasten any horse or other animal to any ornamental or shade tree other than his own upon any sidewalk, or in any street, alley or other public place within the limits of said city, or to any box or case around such tree, under a penalty of not less than five dollars nor exceeding twenty-five dollars for each and every offense.

Penalty for fastening horses to trees.

Passed February 11, 1881.

Published April 22, 1881.

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ORDINANCE NO. 27.

AN ORDINANCE in relation to the discharge of fire-

arms and firecrackers and to the use and exhibition of fireworks.

The common council of the city of La Crosse do ordain:

Discharging cannon, firearms, firecrackers, or other explosive material without permission prohibited.

SECTION 1. No person shall fire or discharge any cannon, gun, fowling piece, pistol or firearms of any description, or fire, explode or set off any squib, cracker or other thing containing powder or other combustible or explosive material, or set off or exhibit any fireworks within the limits of the city of La Crosse, without having first obtained written permission from the mayor, which permission shall limit the time and fix the place of such firing, and shall be subject to be revoked at any time after the same may have been granted. Any violation of this ordinance shall subject the person or persons so violating the same to a fine of not less than one dollar nor exceeding twenty-five dollars; but this ordinance shall not be construed to prohibit the discharge of firearms by the chief of police or any of his subordinates or any peace officer when required or made necessary in the performance of any duty imposed by law.

Penalty.

Passed February 11, 1881.

Published April 23, 1881.

ORDINANCE NO. 28.

AN ORDINANCE to establish and regulate the health department, and provide penalties for offenses against the health of the city.

The common council of the city of La Crosse do ordain;

Appointment and general duties of board of health.

SECTION 1. It shall be the duty of the mayor in each and every year at the time of appointing the committees of the common council to appoint one alderman from each ward, who shall constitute a board of health to hold office for and during the year for which they shall be appointed, and whose duty it shall be to examine into and consider all measures necessary for the preservation of the public health in the city of La Crosse, and to see that all ordinances and regulations in relation thereto be observed and enforced.

Board to hold meetings

SECTION 2. Said board shall hold all such regular or special meetings as they may from time to time deem necessary; and shall have power at such meetings to

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# WYOMING



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CHAPTER 43.

FIRE ARMS—TO PREVENT THE USE OF.

AN ACT to Prevent the use of Fire Arms from Railroad Cars, and Provide for the Punishment thereof.

*Be it enacted by the Council and House of Representatives of the Territory of Wyoming:*

SECTION 1. It shall be unlawful for any person in this Territory to fire any rifle, revolver, or other fire arm of any description whatever, from any window, door, or other part of any railroad car or train, engine or tender, or along the line of railroad during the passing of any train or engine, or when any person is passing in the vicinity of the person having in his possession such fire arm, and any person so offending, shall, on conviction, be fined in a sum not exceeding twenty (\$20.00) dollars, and for a second offense, confined in the county jail for a term not exceeding sixty (60) days. And it shall be the duty of any railroad company to post a copy of this act in every railroad car used for the transportation of passengers passing through this Territory. But nothing in this section contained, shall be construed as preventing employes on railroad trains from carrying fire arms, and using the same when necessary for the protection of themselves and the persons and property under their charge.

Use of firearms from railroad trains unlawful

Copies of this act posted in railroad cars

SEC. 2. It shall be lawful for any conductor, brakeman, or any person in charge of such railroad car, train or engine, to arrest any such person so offending, and take him before some justice of the peace in the county where the offense was committed, or deliver him to some officer of the county, and the justice, upon information as in other cases of misdemeanor, shall proceed to examine into the complaint, as if the arrest had been made by virtue of a warrant duly issued.

Railroad employes arrest persons violating this law.

Where offenders shall be tried.

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

Approved December 11, 1870.