

No. 23-55805

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

VIRGINIA DUNCAN, ET AL.,  
*Plaintiffs and Appellees,*

v.

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

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**On Appeal from the United States District Court  
for the Southern District of California**  
No. 3:17-cv-01017-BEN-JLB  
The Honorable Roger T. Benitez, Judge

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**CIRCUIT RULE 28-2.7 ADDENDUM TO  
APPELLANT'S OPENING BRIEF**

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November 21, 2023

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**TABLE OF CONTENTS**

<u><b>Description</b></u>	<u><b>Page</b></u>
<b>CALIFORNIA STATUTES</b>	
Cal. Penal Code § 32310 .....	A-1
Cal. Penal Code § 16740 .....	A-3
<b>FEDERAL STATUTE</b>	
28 U.S.C. § 46 .....	A-4
<b>HISTORICAL STATUTES<sup>1</sup></b>	
7 Rich. 2, ch. 13 (1383) .....	A-6
33 Hen. 8, ch. 6 §§ 1, 18 (1541).....	A-7
An Act Against Waring Swords (1686), reprinted in <i>The Grants, Concessions, and Original Constitutions of The Province of New Jersey</i> 289-90 (1881).....	A-11
1750 Mass. Acts 544, ch. 17, § 1 .....	A-14
1763-1775 N.J. Laws 346, ch. 539 § 10.....	A-18
1771-1772 Mass. Province Laws 167, ch. 9.....	A-24
1772 N.Y. Laws 682.....	A-27
1782-1783 Mass. Acts 120, ch. 46.....	A-31
1784 Laws of N.Y. 627, ch. 28 .....	A-34
1786 Mass. Acts 87, ch. 38.....	A-39
1788-1801 Ohio Laws 20, ch. 6.....	A-44

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

## TABLE OF CONTENTS

<u>Description</u>	<u>Page</u>
<b>HISTORICAL STATUTES (CONTINUED)</b>	
1799 New Jersey 474, § 2.....	A-51
1821 Me. Laws 98, ch. 25, § 1.....	A-55
1825 N.H. Laws 73, ch. 61 .....	A-59
1832 Conn. Acts 391, ch. 25.....	A-61
1836 Conn. Acts 105, ch. 1, § 20 .....	A-63
1849 N.Y. Laws 403, §§ 1-2.....	A-69
1849 Vt. Acts & Resolves 26 .....	A-71
1927 Mich. Pub. Acts 887.....	A-72
1927 R.I. Pub. Laws 256 .....	A-80
1932 D.C. 47 Stat. 650, ch. 465, §§ 1, 8 .....	A-88
1933 Ohio Laws 189-90, Reg. Sess., § 1.....	A-94
1934 Federal 48 Stat. 1236 .....	A-99

§ 32310. Prohibition on manufacture, import, sale, gift, loan,...., CA PENAL § 32310



KeyCite Red Flag - Severe Negative Treatment

Unconstitutional or Preempted Held Unconstitutional by [Duncan v. Becerra](#), 9th Cir.(Cal.), Aug. 14, 2020

West's Annotated California Codes

Penal Code (Refs & Annos)

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

Title 4. Firearms (Refs & Annos)

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

Chapter 5. Large-Capacity Magazine (Refs & Annos)

Article 1. Rules Governing Large-Capacity Magazines (Refs & Annos)

West's Ann.Cal.Penal Code § 32310

§ 32310. Prohibition on manufacture, import, sale, gift, loan, purchase, receipt, or possession of large-capacity magazines; punishment

Effective: November 9, 2016

[Currentness](#)

(a) Except as provided in Article 2 (commencing with [Section 32400](#)) of this chapter and in Chapter 1 (commencing with [Section 17700](#)) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, buys, or receives any large-capacity magazine is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to [subdivision \(h\) of Section 1170](#).

(b) For purposes of this section, “manufacturing” includes both fabricating a magazine and assembling a magazine from a combination of parts, including, but not limited to, the body, spring, follower, and floor plate or end plate, to be a fully functioning large-capacity magazine.

(c) Except as provided in Article 2 (commencing with [Section 32400](#)) of this chapter and in Chapter 1 (commencing with [Section 17700](#)) of Division 2 of Title 2, commencing July 1, 2017, any person in this state who possesses any large-capacity magazine, regardless of the date the magazine was acquired, is guilty of an infraction punishable by a fine not to exceed one hundred dollars (\$100) per large-capacity magazine, or is guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100) per large-capacity magazine, by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

(d) Any person who may not lawfully possess a large-capacity magazine commencing July 1, 2017 shall, prior to July 1, 2017:

- (1) Remove the large-capacity magazine from the state;
- (2) Sell the large-capacity magazine to a licensed firearms dealer; or
- (3) Surrender the large-capacity magazine to a law enforcement agency for destruction.

§ 32310. Prohibition on manufacture, import, sale, gift, loan,...., CA PENAL § 32310

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**Credits**

(Added by Stats.2010, c. 711 (S.B.1080), § 6, operative Jan. 1, 2012. Amended by Stats.2012, c. 43 (S.B.1023), § 107, eff. June 27, 2012; Stats.2013, c. 728 (A.B.48), § 1; Stats.2016, c. 58 (S.B.1446), § 1, eff. Jan. 1, 2017; Initiative Measure (Prop. 63, § 6.1, approved Nov. 8, 2016, eff. Nov. 9, 2016).)

**Editors' Notes**

**VALIDITY**

*For validity of this section, see [Duncan v. Becerra, S.D.Cal.2019, 366 F.Supp.3d 1131, affirmed 970 F.3d 1133](#); [Duncan v. Becerra, C.A.9 \(Cal.\)2020, 970 F.3d 1133, rehearing en banc granted, opinion vacated by Duncan v. Becerra, 9th Cir.\(Cal.\), February 25, 2021, 988 F.3d 1209](#).*

*For an order enjoining implementation and enforcement of subdivisions (c) and (d) of this section, as enacted by Initiative Measure (Prop. 63, approved Nov. 8, 2016, eff. Nov. 9, 2016), see [Duncan v. Becerra, S.D.Cal.2017, 265 F.Supp.3d 1106, affirmed 742 Fed.Appx. 218, 2018 WL 3433828](#).*

**LAW REVISION COMMISSION COMMENTS**

2010 Addition

Section 32310 continues former Section 12020(a)(2) without substantive change.

For circumstances in which this section is inapplicable, see [Sections 16590](#) (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons), 32400-32450 (exceptions relating specifically to large-capacity magazines).

See [Section 16740](#) (“large-capacity magazine”). See also [Sections 17800](#) (distinct and separate offense), 32315 (permit for possession, transportation, or sale of large-capacity magazines between dealer and out-of-state client), 32390 (large-capacity magazine constituting nuisance). [38 Cal.L.Rev.Comm. Reports 217 (2009)].

[Notes of Decisions \(35\)](#)

West's Ann. Cal. Penal Code § 32310, CA PENAL § 32310

Current with Ch. 1 of 2023-24 1st Ex.Sess, and urgency legislation through Ch. 888 of 2023 Reg.Sess. Some statute sections may be more current, see credits for details.

§ 16740. Large-capacity magazine defined, CA PENAL § 16740

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

West's Ann.Cal.Penal Code § 16740

§ 16740. Large-capacity magazine defined

Effective: January 1, 2012

[Currentness](#)

As used in this part, “large-capacity magazine” means any ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

- (a) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.
- (b) A .22 caliber tube ammunition feeding device.
- (c) A tubular magazine that is contained in a lever-action firearm.

**Credits**

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

**Editors' Notes**

**LAW REVISION COMMISSION COMMENTS**

2010 Addition

Section 16740 continues former Sections 12020(c)(25) and 12079(b) without substantive change. [38 Cal.L.Rev.Comm. Reports 217 (2009)].

[Notes of Decisions \(3\)](#)

West's Ann. Cal. Penal Code § 16740, CA PENAL § 16740

Current with Ch. 1 of 2023-24 1st Ex.Sess, and urgency legislation through Ch. 888 of 2023 Reg.Sess. Some statute sections may be more current, see credits for details.

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## § 46. Assignment of judges; panels; hearings; quorum, 28 USCA § 46

United States Code Annotated  
Title 28. Judiciary and Judicial Procedure (Refs & Annos)  
Part I. Organization of Courts (Refs & Annos)  
Chapter 3. Courts of Appeals (Refs & Annos)

## 28 U.S.C.A. § 46

## § 46. Assignment of judges; panels; hearings; quorum

Effective: August 6, 1996

Currentness

(a) Circuit judges shall sit on the court and its panels in such order and at such times as the court directs.

(b) In each circuit the court may authorize the hearing and determination of cases and controversies by separate panels, each consisting of three judges, at least a majority of whom shall be judges of that court, unless such judges cannot sit because recused or disqualified, or unless the chief judge of that court certifies that there is an emergency including, but not limited to, the unavailability of a judge of the court because of illness. Such panels shall sit at the times and places and hear the cases and controversies assigned as the court directs. The United States Court of Appeals for the Federal Circuit shall determine by rule a procedure for the rotation of judges from panel to panel to ensure that all of the judges sit on a representative cross section of the cases heard and, notwithstanding the first sentence of this subsection, may determine by rule the number of judges, not less than three, who constitute a panel.

(c) Cases and controversies shall be heard and determined by a court or panel of not more than three judges (except that the United States Court of Appeals for the Federal Circuit may sit in panels of more than three judges if its rules so provide), unless a hearing or rehearing before the court in banc is ordered by a majority of the circuit judges of the circuit who are in regular active service. A court in banc shall consist of all circuit judges in regular active service, or such number of judges as may be prescribed in accordance with [section 6 of Public Law 95-486](#) (92 Stat. 1633), except that any senior circuit judge of the circuit shall be eligible (1) to participate, at his election and upon designation and assignment pursuant to [section 294\(c\)](#) of this title and the rules of the circuit, as a member of an in banc court reviewing a decision of a panel of which such judge was a member, or (2) to continue to participate in the decision of a case or controversy that was heard or reheard by the court in banc at a time when such judge was in regular active service.

(d) A majority of the number of judges authorized to constitute a court or panel thereof, as provided in paragraph (c), shall constitute a quorum.

**CREDIT(S)**

(June 25, 1948, c. 646, 62 Stat. 871; [Pub.L. 88-176](#), § 1(b), Nov. 13, 1963, 77 Stat. 331; [Pub.L. 95-486](#), § 5(a), (b), Oct. 20, 1978, 92 Stat. 1633; [Pub.L. 97-164](#), Title I, § 103, Title II, § 205, Apr. 2, 1982, 96 Stat. 25, 53; [Pub.L. 104-175](#), § 1, Aug. 6, 1996, 110 Stat. 1556.)

§ 46. Assignment of judges; panels; hearings; quorum, 28 USCA § 46

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**CHIEF CIRCUIT JUDGE (FIFTH CIRCUIT): ORDER  
DECLARING AN EMERGENCY UNDER 28 U.S.C. § 46(B)**

By order of the United States Court of Appeals for the Fifth Circuit dated January 8, 2007 and entitled “Order Vacating a Declaration of a Judicial Emergency under 28 U.S. Code, Section 46(b)”, the Declaration of a Judicial Emergency because of a shortage of judges and a growing workload, set out in a previous order of the Court dated September 28, 1999 and entitled “Order Declaring an Emergency Under 28 U.S.C. § 46(b)”, is no longer needed and is hereby vacated.

**CHIEF CIRCUIT JUDGE (FOURTH CIRCUIT): ORDER  
REGARDING PERFORMANCE OF JUDICIAL DUTIES**

Pursuant to the authority set forth in 28 U.S.C. § 46(c) and 28 U.S.C. § 294(c), all senior circuit judges in this circuit are hereby assigned to perform all judicial duties in any case, or in the decision of any matter, such as a motion or any other procedural or administrative matter, which has been properly assigned to them, whether in the ordinary course of business or otherwise. Any senior circuit judge who undertakes the performance of any official duties pursuant to this designation consents to participate (except upon absence from duty station or the like) in the consideration of the same until terminated, including, but not exclusively, participation in in banc consideration of the matter.

ENTERED this 31st day of March, 1993.

SAM J. ERVIN, III

CHIEF CIRCUIT JUDGE

[Notes of Decisions \(65\)](#)

28 U.S.C.A. § 46, 28 USCA § 46

Current through P.L. 118-21. Some statute sections may be more current, see credits for details.

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force & Vre en toutz pointz; et outre ceo est assint assentuz q̄ si aucun alien eit purchacez ou desore purchace aucun benefice de Sainte Esglise Dignite ou autre & en ppre peone p̄igne possession dicelle ou loccupie de fait, deinz mesme le Roialme, soit il a son oeps ppre, ou al oeps dautri sanz speciale congie du Roi, soit il compris en mesme lestatut, & outre ceo encourge en toutz pointz tielx peines & forfaiture come sont ordeignez p un autre estatut fait en lan xxv<sup>o</sup> del regne luy noble Roi E. aiel nre <sup>le</sup> Roi qore est, contre ceux q̄ purchacent gvisions dabbeyes ou Priories; et enoutre au fyn q̄ tielx licences ne se facent desore enavant, le Roi voet & comande a toutz ses lieges & autres q̄ls leur abstiegnent de cy enavant de luy prier dascuns tiels licences doner; et si voet auxi le Roi luy mesmes abstiegnent de doner aucune tielle licence, durantes les guerres horrspris au Cardinal de Naples ou a autre speciale peone a q̄ le Roi soit p speciale cause tenuz.

xiiij. Item est ordeignez & assentuz & le Roi defende q̄ desoremes null hōme chivache deinz le Roialme armez, encontre la forme de lestatut de Northampton sur ce fait, ne ovesq̄ lancegay deinz mesme le Roialme, les queux lancegayes soient de tout oustez deinz le dit Roialme come chose defendue p nre <sup>le</sup> Roi, sur peine de forfaiture dicelx lancegayes armures & auts herneys quelconques es mayns & possession de celluy q̄ les porta desore deinz mesme le Roialme contre cestz estatut & ordinaances sanz speciale congie de Roi nre <sup>le</sup> Roi.

xiiij. Item es briefs de p̄munire fait est assentuz & accordez q̄ ceux v̄s queux tielx briefs sont portez, & q̄ sont de p̄sent hors de Roialme & sont de bone fame & aient faitz lo' gehalx atto'nes devant lo' dep̄ur, q̄ le Chauceller [Dengleterre] pur le temps estean, p ladv̄s des Justices purra ḡntier q̄ mesmes les peones purront apparoir & respondre & faire & rescivre ce q̄ la ley demande, p lo' gehalx atto'nes avantdiz siavant come es autres cas & queeles; et ceux peones q̄ decy enavant passeront p licence nre <sup>le</sup> Roi & soient auxint de bone fame, q̄ a lo' requeste le dit Chauceller p ladv̄s des Justices leur purra ḡntier defaire lo' gehalx atto'nes en la Chancellerie p patent du Roi devant lo' passer, [a respondre] s̄ibn es ditz briefs de p̄munire fait, come en auts queeles en quel cas toutes voies soit exp̄sse mencion [faite] des briefs & queeles de p̄munire fait; et celle patente enai faite, purront des lors les ditz atto'nes en absence de lo' Meistres, respondre p eux & auts atto'nes desouz eux, devant quelconq̄ juge du Roialme & faire & rescivre el dit cas, siavant come en null autre cas nientcontrestean aucun estatut fait a contrie avant ces heures.

Item sur la grevouise pleinte q̄est faite des meyn-teno's des queeles & chaumpto's; est ordeignez & assentuz q̄ lestatutz ent faitz en les ans du regne le Roi Edward aiel nre dit <sup>le</sup> Roi primer & quart, et auxint en lan de nre <sup>le</sup> Roi qore est primer, soient tenuz & gardez & duement executz en toutz pointz.

Item est assentuz & le Roi defende estreitement q̄ decy enavant nulle peone aliene ou denszein de quelconq̄ estat ou condicion qil soit amesne ou envoie ou face amesner ou envoier p Vre ou p meer hors du Roialme Dengleterre as aucunes p̄tes Descocce en prive ne en appt aucune man̄e darmure de blee de brees ne dautre vitaille ou dautre refreshchement queconq̄, sur peine de forfaiture de mesmes les vitailles armures & des autres choses avantdites ensemble avec les niefs vesseulx charettes & chivalx q̄ les portent ou amesnent, ou de la Vroie value dicelles, si ensi ne soit q̄ le

\*\*\* Interlined on the Roll.

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

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

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

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

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

' by themselves and ' and

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

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

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

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

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

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

VI.  
Proviso as to  
Persons whose  
Wives wear  
Velvets, &c.  
(See § 1.)

AND be it pryded and enacted by auctie aforesaid, that if the Wif of any pson & psons were any velvet in the lynnyng or other part of her gowne other then in the cufes or purfels of suche gowne, or elle were any velvet in her kyrrell or were any peticote of silke, that then the husbände of evy suche Wif shall fynde one stoned horse of the stature above in this acte resyted, or shall incurre the abovesaide penalte and forfeiture of tenne poundes to be levied and recovered as is afore declared: Provyded also that this Acte or any thing therein conteyned shall not extende to charge any pson or psons whose Wif or Wifes shall were any of the apparell or thinge above rehersed during the tyme such Wif or Wyffes shalbe devorsyd from her or ther husbonde or husbondes, or shall willingly absent her self from her said husbound and duringe suche absence shall were any of the apparell or other thyng afore resyted: Provyded alwaies that heires w'in age being wardes whose landes teitf and hereditamentf amount to the yerely value of CC li. shall not be compelled by auctie of this acte till they cūme to ther full age to kepe any horses, althoughe the wifes of suche heires w'in age were any gowne of Sylke or any Frenche hood or Bonet of Velvet w' any habilyment past or egge of Gold Perle or Stone or any chayne of gold about ther nekkf or in ther plentf or in any apparell of ther bodie; Any thing in this Acte to the contrary notw'standing.

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

PROVYDED also that if all or any the horses kept by vertue of this acte shall happen to be kyllyd maymyd or lost in the fvice of the Kingf warres, That then in evy suche case the owners of suche horse or horses so kyllyd maymyd pished or lost in the warres shall have libte, by the space of twoo yeres next after suche chaunce of kyllyng maymyng pishing or losing ther horses, to pvide other horses in the stede and place of the horses so kyllyd maymyd pished or lost in the Warres, w'out any daunger losse or penalte of this acte; Any thing in this acte to the contrary therof notw'standing.

VIII.  
Cart-Horses and  
Sumpster-Horses.

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

CHAPTER VI.

AN ACTE concerninge Crosbowes and Handguns.

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

Violation thereof,

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

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

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

WHERE in the Parliament holden at Westm̄ the fyfenthe daye of Januarie in the twenty fyve Yere of the Kinges most gracious Raigne, and there contynued and kepte untill the thirtieth daye of Marche then next ensuyng, amonge diverse and sondrie holosome and lawdable Actf Statutf and ordyn'ncf one Statute and Ordyn'nce was made and ordeyned for the avoydinge and eschewinge of shotinge in Crosbowes and Handguns; synce the makinge of whiche Acte diverse malicious and evill disposed psons not only psumyng wilfullye and obstynatlye the violacōn and breach of the saide Acte, but also of their malicious and evill disposed myndes and purposes have wilfully and shamefully cōmytted pperated and done diverse detestable and shamefull murthers roberies felonyes ryoutf and routf with Crosbowes litte shorte handguns and litte hagbutt, to the great pill and contynuall feare and daunger of the Kingf most lovinge subjectf, and also diverse Keepers of Forestf Chases and Parkf aswell of our saide Sovereigne Lorde as other his Nobles and Cōmons and diverse Gentlemen Yomen and Servingmen nowe of late have layde aparte the good and laudable ex̄cise of the longe bowe, whiche alwaye heretofore hath bene the suertie savegarde and contynuall defence of this Realme of Englande, and an inestimable dread and terror to the Enemies of the same, and nowe of late the saide evill disposed psons have used and yet doe daylie use to ryde and goe in the Kingf highe Wayes and elsewhere, havinge with them Crosbowes and litte handguns, ready furnished with Quarrellf Gunpowder fyer & touche to the great pill and feare of the Kingf most lovinge Subjectf: FOR REFORMACōN wherof be it enacted ordeyned and established by the Kinge our Sovereigne Lorde the Lordes spūall and temporall and the Cōmons in this p̄sent Parliament assembled and by thautoritie of the same, in maner and fourme followinge That ys to saye; that noe pson or psons of what estate or degree he or they be, excepte he or they in their owne right or in the right of his or their Wyefff to his or their owne uses or any other to the use of any suche pson or psons, have landes teitf fees annuyties or Officf to the yerely value of one hundred poundf, from or after the laste daye of June next cōmyng, shall shote in any Crosbowe handgun hagbutt or demyhake, or use or kepe in his or their houses or elsewhere any Crosbowe handgun hagbutt or demyhake, otherwise or in any other manner then ys hereafter in this p̄sent Acte declared, upon payne to forfeyt for everie tyme that he or they so offendinge contrie to this Acte tenne poundes.

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

A.D.1541-2.

33<sup>o</sup> HEN.VIII. c.6.

839

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

AND be it further enacted by thauctoritie aforesaide, that noe pson or psons, other then suche as have land<sup>e</sup> teñt<sup>e</sup> rent<sup>e</sup> fees annuities or Offic<sup>e</sup> to the yerely value of one hundred Pound<sup>e</sup> as ys aforesaide, from or after the saide laste daye of June, shall carrie or have, in his or their Journey goinge or ridinge in the King<sup>e</sup> highe waye or elsewhere, any Crosbowe bent or Gune charged or furnished with Powder fier or touche for the same, Except it be in tyme and Service of Warre, upon payne to forfeyt for everie suche Offence tenne pound<sup>e</sup>; this p<sup>re</sup>sent Acte or any thinge therein conteyned to the contr<sup>ie</sup> notwithstandinge.

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

AND be it further enacted by thauctoritie aforesaide, that no pson or psons from the saide laste daye of June shall in anywise shote in or withe anye handgune demyhake or hagbutt at any thinge at lardge, within any Cittie Boroughe or Markett Towne or within one quarter of a myle of anny Cittie Boroughe or Markett Towne, excepte it be at a Butt or Banck of earth in place convenient, or for the defence of his pson or house, upon payne to forfeyte for everie suche Shott tenne poundes; this p<sup>re</sup>sent Acte or any thinge therein conteyned to the contrarie notwithstandinge.

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

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

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

Application  
of Penalties.

PROVIDED always and be it enacted by thauctoritie aforesaide, that it shalbe lauffull from henceforthe to all Gentlemen Yeomen and Servingers of everie Lorde or Lord<sup>e</sup> s<sup>pa</sup>ull or temporall and of all Knight<sup>e</sup> Esquiers and Gentlemen, and to all the Inhabitaunt<sup>e</sup> of Citties Boroughe and Markett Townes of this Realme of Englande, to shote withe any handgune Demyhake or hagbutt at anye butt or bank of Earth only in place convenient for the same, so that everie suche handgune Demyhake or hagbutt be of the se<sup>ve</sup>ll lenghes aforesaide and not under; and that it shalbe lauffull to everie of the saide Lorde and Lord<sup>e</sup> Knight<sup>e</sup> Esquiers and Gentlemen, and the Inhabitaunt<sup>e</sup> of everie Cittie Boroughe and Markett Towne, to have and kepe in everie of their houses anye suche handgune or handgunes of the lenghe of one whole Yarde, or any hagbutt or Demyhake of the lenghe of thre quarters of a Yarde as ys aforesaide and not under, to thintent to use and shote in the same at a butt or banke of Earthe onlye, as ys abovesaid, wherbye they and everie of them by the<sup>re</sup> exercise thereof in forme abovesaid may the better ayde and assist to the defence of this Realme when nede shall requyre; this p<sup>re</sup>sent Acte or any thinge therein conteyned to the contr<sup>ie</sup> notwithstandinge.

VI.  
Shooting at Butts  
with Hand-guns  
allowed.

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

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

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

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

AND also that it may be further enacted by thauctoritie aforesaide that the saide Statute made in the saide xxv<sup>th</sup> Yere of the King<sup>e</sup> most gracious Raigne, and all other Statutt<sup>e</sup> heretofore made and p<sup>ro</sup>vided for thavoydinge and restreynt in shotinge of Crosbowes and handgunes or for any of them, or for the usinge and kepinge of the same, be from henceforth uterlie voyde and of none effecte: Provided alwayes that everie p<sup>re</sup>ss<sup>e</sup> suyte or Informac<sup>o</sup>n conceived cōmenced and nowe dependinge for any Offence done contr<sup>ie</sup> to the forme of the saide Statute made in the said xxv<sup>th</sup> Yere of the King<sup>e</sup> moste noble Raigne, or of any other Statute made (!) p<sup>ro</sup>vyded for and concerninge the shotinge in Crosbowes and handgunes, not repealed, and for the kepinge of the same, shalbe as good and effectual to the parties that have comenced the (!) and shall stande and be in suche forme effecte and condic<sup>o</sup>n as if this Acte had never bene made.

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

Except as in Suits  
depending.

PROVIDED also that this Acte or any thinge therein conteyned be not in any wise hurtfull or p<sup>re</sup>judiciall to any pson or psons nowe beinge or that hereafter shalbe appoynted by the King<sup>e</sup> Highnes, to kepe receyve or take any Crosbowes or Handgunes that shalbe forfeited or taken within the precincte or libyte of the King<sup>e</sup> forrest<sup>e</sup> park<sup>e</sup> or chaces, but that he or they may lauffully kepe and reteyne the same Crosbowes or Handgunes from tyme to tyme untill suche tyme

X.  
Proviso for Persons  
keeping Crosbowes,  
&c. seized in  
Forests;

<sup>1</sup> or O.

\* same O.

for Makers  
of Crosbows, &c.

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

XI.  
Proclamation of  
the Act in each  
County.

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

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

PROVIDED also that yf any manner of pson bringe or cause to be broughte wite him into his lodginge or in or to any other mans house any Crosbowe or Handgune, that then the penaltye and forfeiture, yf any suche be or hereafter shalbe forfeited by reason of this Acte, to rune and be onely upon the bringer of the saide Crosbowe and Handgune and not to the owner of the same lodginge or house, yf the saide [howne<sup>r</sup>] of the said lodginge or house cause the saide bringer thereof to take & carrie awaye the saide Crosbowe or Handgune agayne wite him at his departinge; any thinge in this Acte made to the contrie notwithstandinge.

XIII.  
Offenders may be  
arrested by any  
Persons.

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

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

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

XV.  
Recovery and  
Application of  
Penalties.

AND be it further enacted by thautoritie aforesaide, that it shalbe lafull to all Justic<sup>e</sup> of Peace in their sessions and to all Stewardes and Baylieff<sup>e</sup> in their sevall leet<sup>e</sup> and lawe dayes to enquire heare and determyne evy<sup>e</sup> suche offence after the saide laste daye of June to be comytted and done contrie to the tenor of this p<sup>re</sup>sent Acte; So that alwayes noe lesse fyne then tenne poundes be assessed upon everie suche p<sup>re</sup>sentment and conviccōn made accordinge to the due course of the lawe; the same fyne so by the same Justic<sup>e</sup> of Peace upon everie suche p<sup>re</sup>sentment and conviccōn made before them in their Sessions, to be payde and levied onely to the King<sup>e</sup> use; and the one moytie of everie fyne to be assessed by the Steward<sup>e</sup> or Baylyff<sup>e</sup> of any leete or lawe daye, upon everie p<sup>re</sup>sentment and conviccōn before them, to be payde and levied to the use of the Kinge our Sovereigne Lorde, and (\*) the other moytie the one halfe to the owner of the saide leete or lawe daye by distresse or accōn of debte, and thother halfe of the same seconde moytie of the same fyne, to be to the partie that will pursue for the same in any of the King<sup>e</sup> Court<sup>e</sup> by bill playnte informa<sup>ti</sup>ōn or accōn of debte, in the whiche none Essoyne p<sup>re</sup>tecōn nor wager of lawe shalbe allowed.

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

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

† OWDET Q.

\* of Q.

then everie one of the saide fyrste Jurie that so did conceale the same, shall leese and forfeyt for everie suche concealment of evy suche offence twenty shilling<sup>e</sup>; All whiche forfeitures and penalyes of twenty shilling<sup>e</sup> for everie such concealment of everie suche offence so found and p<sup>r</sup>esented before the same Justic<sup>e</sup> of Peace shall holye be levied and payde to the King<sup>e</sup> use, and the moytie of all the same forfeitures and penalyes of twenty shilling<sup>e</sup>, so founde and p<sup>r</sup>esented before the Steward<sup>e</sup> or Bayliff<sup>e</sup> of any leete or lawdaye, shalbe levied and payde to the use of the owner of the saide leete or lawdaye by distresse or acc<sup>o</sup>n of debte, and thother moytie thereof to be to the partie or parties that will sue for the same by acc<sup>o</sup>n informa<sup>o</sup>n bill or playnte in any of the King<sup>e</sup> Court<sup>e</sup>, in the whiche acc<sup>o</sup>ns informa<sup>o</sup>ns bill<sup>e</sup> or playnt<sup>e</sup> no wager of lawe essoyn<sup>e</sup> nor p<sup>r</sup>ec<sup>o</sup>n shalbe allowed.

PROVIDED alwaies and be it enacted by thauroritie aforesaide, that yf any pson or psons hereafter in any parte do offende or do contrarie to the purwe and remedy of this Acte, whereupon cause of Acc<sup>o</sup>n for the same offence shalbe geven to the Kinge his heires or successors or to any other pson or psons that will sue by vertue of this Acte for the punyishment of the saide offence or forfeitures, that yf the Kinge our Sovereigne Lorde his heires or successors within one yere next and ymediatlye after suche offence and forfeitures had and made do not pursue their acc<sup>o</sup>n or acc<sup>o</sup>ns so given by this Acte or cause ex<sup>o</sup>nc<sup>o</sup>n upon suche default<sup>e</sup> and offence to be had and made before their counsaile, or other p<sup>r</sup>esentment<sup>e</sup> thereof to be had accordinge to the meanyng of the same Acte, and everie other pson whiche hereafter by vertue of this Acte maye have acc<sup>o</sup>n or acc<sup>o</sup>ns suyte or informa<sup>o</sup>n upon this Statute within halfe a yere next and ymediatlye after suche offence or forfeitures had and made do not comence their suyt<sup>e</sup> informa<sup>o</sup>n acc<sup>o</sup>ns or p<sup>r</sup>esentment<sup>e</sup> of and upon the said forfeyt<sup>e</sup> by acc<sup>o</sup>n or otherwise as in this p<sup>r</sup>esent Acte ys lymited and declared, that then aswell the Kinge our Sovereigne Lorde his heires and successors, after one yere next after suche offence and forfeyt<sup>e</sup> had and made yf no suyte in his or their name be taken by acc<sup>o</sup>n or otherwise as ys before exp<sup>r</sup>essed before the same yere ended & del<sup>r</sup>mynded, as everie other pson after halfe yere next after like Offence had and done in the fourme aforesaide yf noe suyte thereupon be taken by none of them in fourme above declared, be utterly excluded and debarred of their saide suyt<sup>e</sup> acc<sup>o</sup>ns Informa<sup>o</sup>ns and ex<sup>o</sup>nc<sup>o</sup>ns to them gyven by vertue of the saide Acte, and the parties and evy of them so offendinge shalbe of all suche Offence and forfeyt<sup>e</sup> clerely discharged and quytt; Any thinge in this Acte comprised to the contrarie notwithstandinge.

PROVIDED alwaies and be it enacted by thauroritie aforesaide that this p<sup>r</sup>esent Acte ne any thinge therein conteyned shall in anywise extende or be p<sup>r</sup>judiciall unto the King<sup>e</sup> Subject<sup>e</sup> resident or inhabitinge nere unto the Coast<sup>e</sup> of the Sea in any parte of this Realme, their houses beinge not above fyve myles distant from the same Coast<sup>e</sup>, nor also to any of the saide Subject<sup>e</sup> inhabitinge within twelve myles of the borders of Scotlande, nor to any the King<sup>e</sup> Subject<sup>e</sup> Inhabitaunt<sup>e</sup> of the Towne and Marches of Callice, nor to any of the Inhabitaunt<sup>e</sup> of the Isles of Jersey Gernesey Anglesey and the Isles of Weight and Man, but that it shalbe lauffull for everie of the saide Inhabitaunt<sup>e</sup> at all tymes hereafter to have excise and use their handguns hagbutt<sup>e</sup> and demyhakes of the lenghes abovesaide within the lymytt<sup>e</sup> and Isles abovesaide, so that it be at noe manner of Dere heron Shoveler fesant partriche Wild Swanne or Wilde Elke or any of them; this p<sup>r</sup>esent Acte or any thinge therein conteyned to the contrarie notwithstandinge.

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

PROVIDED alwaies that this Acte or any thinge conteyned therein shall not extende to any Owner of any Shippe, for having or kepinge of any handgun hagbutt or demyhake of the sev<sup>r</sup>all lenghes in this Acte exp<sup>r</sup>essed or under, only to be had and occupied within their Shippe or other Vessell, or for the carriage and recarriage of them or any of them on lande, or kepinge of them for the onely excise and occupyinge of them within their saide Shippe or Vessell; Any thinge in this Acte to the contrarie in any wise notwithstandinge.

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

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

XIX.  
Proviso for  
Servants under  
Orders of their  
Masters.

XX.  
Proviso for  
Owners of Ships,  
&c.

GRANTS, CONCESSIONS,  
AND  
ORIGINAL CONSTITUTIONS  
OF THE PROVINCE OF  
**NEW JERSEY**  
THE  
ACTS

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

The Instrument of Surrender, and her formal Accept-  
ance thereof

Lord CORNBURY'S COMMISSION and Instructions Conse-  
quent thereon,

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

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

*New Jersey (Colony)*  
By AARON LEAMING and JACOB SPICER.

## Laws passed in 1686. 289

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

## Chap. VIII.

## An Act appointing some new Commissioners of the Highways.

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

## Chap. IX.

## An Act against wearing Swords, &amp;c.

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

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



# ACTS

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

## CHAPTER 1.

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

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

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

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

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

Form of his receipt for said money.

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

*And be it further enacted,*

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

£1,750 appropriated for forts and garrisons.

£1,000 for commissary's stores.

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

*Be it further enacted,*

£100 for contingent charges.

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

*Provided always,*—

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

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

*And be it further enacted,*

Money to be paid out of the proper appropriations.

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

*And be it further enacted,*

Directors' allowance to be made by the general court.

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

## CHAPTER 16.

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

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

Governor's grant.

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

## CHAPTER 17.

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

Preamble.

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

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

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

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

Officers to make proclamation when persons are riotously assembled.

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

Form of the proclamation.

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

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

Penalty for disobedience.

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

*And be it further enacted,*

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

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

*Provided always,—*

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

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

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

Continuance of  
the act.

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

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## CHAPTER 18.

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

Preamble.

1749-50, chap. 14.

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

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

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

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

*Provided, nevertheless,—*

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

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

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## CHAPTER 19.

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

Preamble.

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



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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.

**W**HEREAS 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;

*Sect. 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.*

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.

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.

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

\* Chap. CC.

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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.

*Secl. 1.* 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.

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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.

Penalty on bringing such Trap, &c. into the Colony.

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 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.

Jurisdiction given to one Magistrate.

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.

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.

**W**HEREAS the improving the Navigation in Rivers is of great Importance to Trade and Commerce; AND WHEREAS the River *Delaware*

Preamble.

itants, in order to chuse such officers as, by law, towns are [e][i]powered to chuse in the month of March, annually; at which said first meeting all the then present inhabitants shall be admitted to vote. [*Passed July 4\**; *published July 5.*]

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## CHAPTER 8.

AN ACT FOR REVIVING AND CONTINUING AN ACT MADE TO PREVENT DAMAGE BEING DONE ON THE LANDS CALLED NOBSCUSSET, IN THE TOWNSHIP OF YARMOUTH.

WHEREAS the act made and passed in the thirtieth year of his late majesty, King George the Second, intituled "An Act to prevent damage being done on the lands lying in the township of Yarmouth, called Nobscusset," which act has been found useful and beneficial, is expired, —

Preamble.  
1757-58, chap. 6.

*Be it therefore enacted by the Governor, Council and House of Representatives,*

[SECT. 1.] That the aforesaid act, and every clause, matter and thing therein contained, be and the same is, hereby, revived and shall continue in force until the first day in July, which will be in the year of our Lord one thousand seven hundred and eighty-one, and to the end of the then next session of the general court, and no longer.

Act of 30th  
George II., re-  
vived.

*And be it further enacted,*

[SECT. 2.] That such person or persons as may have been chosen at the anniversary meeting of the inhabitants of the town of Yarmouth, in March last, to see to the observance of said act and to prosecute the breakers thereof, or that may, at any time during the continuance of the said hereby-revived act, be chosen or appointed by said town for that purpose, are hereby as fully impowered (being first sworn to the faithful discharge of such trust) to take effectual care that said act be duly observed, and the transgressors thereof duly prosecuted, as if said act had not expired; and upon his or their refusing to accept of and be sworn to such office or trust, shall be subject to the same forfeiture, to be applied to the same use, as is therein mentioned; and upon such refusal the inhabitants of said town may, and they are hereby, authorized to appoint another person or persons to that trust, and so, *toties quoties*, during the continuance of said act. [*Passed July 4\**; *published July 5.*]

Persons chosen  
at Yarmouth,  
empowered.

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## CHAPTER 9.

AN ACT FOR ERECTING TWO PUBLICK MAGAZINES FOR THE SAFE KEEPING OF POWDER; THE ONE IN THE TOWN OF BOSTON, AND THE OTHER IN THE TOWN OF WATERTOWN.

WHEREAS it is with good reason apprehended that the present situation of the magazine or powder-house on the common or training-field in Boston is unsafe for lodging and keeping the great quantities of gun-

Preamble.

\* Signed July 5, according to the record.

powder which are commonly placed therein, and that it is also expedient to have another public magazine out of the town of Boston, in addition to that in Charlestown, —

*Be it therefore enacted by the Governor, Council and House of Representatives,*

Two powder-houses to be built; one in Boston, one in Watertown.

[SECT. 1.] That two public[k] magazines, or powder-houses, be built of stone or brick, and suitably finished, as soon as may be, at the publick expence, fit for stor[e]ing and safe keeping of gunpowder; the one in the town of Boston, behind, or at the north-western end of, the hills on the northern side of the common, or training-field, there; and the other, within the town of Watertown, in the county of Middlesex, in such place in said town as may be agreed upon by a committee that may be appointed by the general assembly to build said magazine; and that from and after the finishing such new magazines, all the gunpowder in the present magazine[s] shall, without delay, at the expence of the respective owners thereof, be removed from thence into one of the new magazines, or into both of them, or into the magazine at Charlestown, in such proportions as the commander-in-chief shall order; and that all the gunpowder which shall be imported and landed, in the port of Boston aforesaid, after finishing such new magazines, or either of them, shall be carried into and placed in one or both of them, or in the magazine at Charlestown, according to such order as aforesaid, and not el[e]s[e]where, on pain of forfeiting all such gunpowder as shall be lodged or kept in any other place; one moiety thereof to and for the use of this province, and the rest, to the informer; to be recovered by bill, plaint or information in any court of record in this province. And the owner or owners of such gunpowder shall also forfeit the sum of ten pounds for every half-barrel of such gunpowder, and after that rate for every greater quantity, lodged in any other place; to be recovered by action of debt, in any court proper for the trial thereof, by him that shall sue for the same: *saving, nevertheless*, that the ordinary town stocks of gunpowder, of each and every town or district within this province, may be placed and kept in any other suitable place or places, as the selectmen thereof, respectively, shall appoint; and that a quantity of gunpowder, not exceeding five-and-twenty pounds, may be kept in any shop for sale (provided it be kept in brass or tin tunnels): *saving*, likewise, all needful stocks and gunpowder for any fort, fortress or garrison within this province; which may, nevertheless, be lodged and kept in such fortress: *saving, also*, all such public[k], or provincial, stocks of gunpowder as by the commander-in-chief, for the time being, shall be ordered to be lodged in any other place or places.

Powder to be removed as the commander-in-chief shall direct.

Forfeiture, in case.

Town stocks to be under the direction of the selectmen.

Quantity that may be kept in private shops.

*And be it further enacted,*

Keeper to be appointed by the commander-in-chief:

[SECT. 2.] That a keeper shall, from time to time, be appointed by the commander-in-chief, [by] for each of the said magazines, who shall duly attend, each one, his respective magazine, at such hours and times as shall be directed and ordered by the commander-in-chief, for taking in and delivering out, all such gunpowder as shall, from time to time, be wanted by the respective owners thereof; and whose duty it shall be, in all respects, to take due care of all the gunpowder therein, for the preservation thereof, and not to neglect turning the same, once [in] every month, at least, as long as it shall remain therein: and that no powder be taken in or delivered out, but between the hours of sun-rising and sun-s[i][e]tting.

— his duty;

— his allowance.

*And be it further enacted,*

[SECT. 3.] That for all gunpowder which shall be put into the said magazines, or either of them, *saving* such as belong to the public

stock, there shall be paid into the hands of the respective keepers thereof, for the use of the province, one shilling for each barrel, upon receipt thereof; and sixpence for each barrel, by the month, for three months after the first month from the receipt thereof; and fourpence for each barrel, for every month afterwards; as long as it shall remain therein: which monies, to be received by the several keepers of the said magazines, respectively, they shall each of them account for, upon oath, to the commander-in-chief and the council; and the same shall be applied towards defr[e]aying the charges of keeping and attending the said magazines, managing and taking due care of the gunpowder therein; and if there shall, at any time, be a deficiency for those purposes, it shall be made up and paid out of the province treasury; and if, at any time, there should be a surplusage, it shall be paid into the province treasury. [*Passed and published July 5.*]

12th GEORGE III.  
A. D. 1772.

And for counterfeit-  
ing Labels or Marks.

Inspector's Oath.

If the Officer is  
rendered incapable  
of acting, the Mayor,  
&c. to appoint  
another.

Inspector to pro-  
vide a Store near the  
Water.

Act of Force until  
1st Feb. 1774.

Preamble.

as aforesaid; that every such Person and Persons, shall forfeit *Three-pence per Pound*, for every Pound of Flax so sold, contrary to this Act, and at and after that Rate for every greater Quantity, to be sued for and recovered by Action of Debt, with Costs of Suit, in a summary Way, by any Person who will sue for and prosecute the same before any Justice of the Peace within the City of *New-York*, to be levied by Process, to be directed to either of the Constables, or other proper Officer of the City, commanding them, or either of them, to levy the same by Distress and Sale of the Offenders Goods and Chattels; which Forfeiture when recovered as aforesaid, to be applied by the Person recovering the same, to his or her own Use; and if any Person or Persons, shall presume to counterfeit the Label or Mark of the said Inspector, he, she, or they so offending, shall forfeit for every such Offence, the Sum of *Five Pounds*, to be sued for, recovered and applied in Manner aforesaid.

IV. And be it further Enacted, That *Obadiab Wells*, shall be, and hereby is appointed Inspector of Flax within the City of *New-York*; which said Inspector before he does any Thing in Execution of the said Office, shall take an Oath before the Mayor or Recorder of the City of *New-York*, in the Words following, *to wit. I A. B. do swear, that I will faithfully, truly and impartially, according to the best of my Judgment, Skill and Understanding, execute, do and perform, the Office and Duty of an Inspector and Examiner of Flax, according to the true Intent and Meaning of an Act, entitled, An Act for the Inspection of Flax in the City of New-York; and I will not directly or indirectly, buy or sell any Flax, during the Time I continue Inspector of the same, except for the private Use of my Family. So help me G O D.* And if the Officer hereby appointed, shall by any Accident be rendered incapable, or neglect to execute the said Office, or misbehave himself therein, or shall happen to die, then and so often, and from Time to Time, in such Cases, it shall and may be lawful, to and for the Mayor, Recorder, and Aldermen of the City of *New-York*, or the major Part of them, to supply his Place by some other fit and capable Person, who shall thereupon be the Officer for putting this Act in Execution, until another be appointed by Act or Acts hereafter to be passed for that Purpose; which Officer so appointed, shall take the Oath above-mentioned, have the same Powers, and be liable to the same Penalties, as the Officer particularly appointed by this Act; any Law, Usage, or Custom to the contrary notwithstanding.

V. Provided always, and be it Enacted by the Authority aforesaid, That the said Inspector shall be obliged to procure a House or Store proper for the Inspection of the said Flax, to be situated near the Water, between *Peck's and Burling-Slips*, in this City.

This Act to continue in Force, from the tenth Day of *April* next, until the first Day of *February*, One thousand seven hundred and seventy-four.

#### C H A P. MDXLIX.

An ACT to prevent the Danger arising from the pernicious Practice of lodging Gun-Powder in Dwelling-Houses, Stores, or other Places within the City of *New-York*, or on board of Vessels within the Harbour.  
Pass'd the 24th March, 1772.

WHEREAS the City of *New-York* has lately been greatly endangered by the storing of Gun-Powder to the Southward of *Fresh-Water*, contrary to Law, notwithstanding the Corporation have long since provided a Powder-House for that Purpose.

I. 25c

I. Be it therefore Enacted by his Excellency the Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same, That from and after the passing of this Act, it shall not be lawful for any Person or Persons, other than Shop-keepers and Retailers of Gun-Powder, to have or keep in any Place within two Miles of the City-Hall of the said City, more than Six Pounds of Gun-Powder, nor for Shop-keepers and Retailers more than Twenty-eight Pounds Weight of Gun-Powder, and that in four separate Stone Jugs, or Leathern Bags, each of which shall not contain more than Seven Pounds of Gun-Powder, upon Pain of forfeiting all such Gun-Powder; and the Sum of *Forty Pounds* for every Hundred Weight, and in that Proportion for a greater or less Quantity; and upon Pain of forfeiting all such Quantities which any Person may lawfully keep as aforesaid, and which shall not be separated as above directed, with full Costs of Suit to any Person or Persons who will inform and sue for the same, by any Action, Bill, or Information, in any of his Majesty's Courts of Record in this Colony; which Courts are hereby empowered and required to give special Judgment in such Actions, Bills, or Informations to be brought upon this Act, as well for the Recovery of such Gun-Powder in Specie, as for the Penalty aforesaid, besides Costs, and to award effectual Execution thereon.

12th GEORGE III.  
A. D. 1772.

Retailers of Gun-powder not to keep more than 28 lb. within 2 Miles of the City-Hall, and other Persons not more than 6 lb.

on Forfeiture of the Gun-powder, and also of £. 40, for each C. wt.

II. And be it further Enacted by the Authority aforesaid, That it shall be lawful for the Mayor or Recorder, or any two Justices of the Peace of the City and County of *New-York*, upon Demand made by any one or more Householder or Householders, being an Inhabitant or Inhabitants of the said City, within two Miles of the City-Hall of the said City, assigning a reasonable Cause of Suspicion, on Oath; of the Sufficiency of which Cause the said Mayor or Recorder, or Justices, is and are to judge, to issue his or their Warrant or Warrants, under his or their Hands and Seals, for searching in the Day-Time for Gun-Powder within the Limits aforesaid, any such Building or Place whatsoever, or any such Ship or Vessel within twelve Hours after her Arrival and fastening to the Wharf, or to any other Ship or Vessel along Side of the Wharf or Key, of which Building, Place, Ship or Vessel such reasonable Cause of Suspicion shall be assigned, on Oath, as aforesaid; and that upon every or any such Search, it shall be lawful for the Searchers or Persons finding the same, immediately to seize, and then, or at any Time within twelve Hours after such Seizure, to amove, or Cause to be amoved, all such Gun-Powder as shall be found within the Limits aforesaid, or on board of such Vessel as aforesaid, upon any such Search, exceeding the Quantity allowed by this Act, to some proper Magazine, now or to be built for the Purpose of Storing of Gun-Powder; and the same being so amoved, it shall be lawful to detain and keep the same until it shall be determined in one of his Majesty's Courts of Record of this Colony, whether the same shall be forfeited by Virtue of this Act; and the Person or Persons so detaining the same, shall not in the mean Time be subject or liable to any Action or Suit for the keeping or detaining the same, until it shall be determined, whether the same be forfeited as aforesaid.

Warrants to issue to search Ships or Places where Gun-powder is suspected to be lodged, contrary to this Act.

Power to seize and remove all above the Quantity allowed.

Persons seizing, not subject to any Suit for the Detention, until it shall be determined whether forfeited or not.

III. Provided always, and be it Enacted by the same Authority, That nothing in this Act contained, shall be construed to countenance or authorize any Person having such Warrant, to take Advantage of the same, for serving any civil Proccs of any kind whatsoever, but that all such Service shall be absolutely null and void.

Service of civil Proccs at the Time of searching, void.

IV. Provided

12th GEORGE III.  
A. D. 1772.

No Suit to be maintained on this Act by Collusion with the Owners of the Gun-powder.

Not more than Five C. wt. to be carried at a Time, thro' the Streets.

and that to be covered with Bags or Leather Cases,

on Penalty of forfeiting the Gun-powder.

Act not to extend to Ships of War or the King's Stores.

General Issue.

Limitations of Actions to be brought against Persons executing this Act.

Firemen may seize for their own Use, Gun-powder found during any Fire.

IV. Provided also, and it is hereby further enacted by the Authority *aforsaid*, That it shall not be lawful for any Person or Persons interested in such Gun-Powder, or any Person or Persons by Collusion with the Owners or Proprietors thereof, to have or maintain any Action, Bill, or Information, upon this Act; any Thing herein contained to the contrary notwithstanding.

V. AND for preventing the dangerous Carriage of Gun-Powder, in and through the Streets of the City of *New-York*, within two Miles of the City Hall of the said City: Be it Enacted by the Authority *aforsaid*, That from and after the passing of this Act, it shall not be lawful for any Person or Persons, to carry or convey in or through any of the Streets or Lanes within the Limits *aforsaid*, more than Five Hundred Pounds Weight of Gun-Powder at a Time; and that all Gun-Powder which shall be carried or conveyed in any Carts or Carriages, or by Hand or otherwise, in or thro' any of the Streets or Lanes *aforsaid*, after the Time *aforsaid*, shall be in tight Casks, well headed and hooped, and shall be put into Bags or Cases of Leather, and intirely covered therewith, so as that no such Gun-Powder be spilt or scattered in the Passage thereof; and if at any Time after the passing of this Act, any Gun-Powder shall be carried or conveyed by any Person or Persons, in or through any of the Streets or Lanes *aforsaid*, in any greater Quantity, or in any other Manner than as *aforsaid*, all such Gun-Powder shall be forfeited, and shall and may be seized by any Person or Persons, to his or their own Use and Benefit, the Person or Persons so offending, being thereof lawfully convicted before two Justices of the Peace. *Provided always*, That this Act or any Thing herein contained, shall not extend or be construed to extend in any wise, to affect any Ship of War, Storehouse, or Magazine belonging to his Majesty, his Heirs or Successors, wherein Gun-Powder or other Stores shall be kept, for the Use of the Public or the Powder House above-mentioned.

VI. And be it further Enacted by the Authority *aforsaid*, That if any Suit or Action shall be commenced or prosecuted against any Person or Persons, for any Thing done in Pursuance of this Act, in every such Case, such Person or Persons, shall and may plead the general Issue, and give this Act and the special Matter in Evidence, at any Tryal to be had thereupon, and that the same shall be done in Pursuance, or by the Authority of this Act; and if a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs, shall become non-suit or discontinue his, her, or their Suit or Action after Issue joined, or if upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants, shall and may recover treble Costs, and shall have the like Remedy for the same, as any Defendant or Defendants, hath or have in any other Case by Law.

VII. *Provided always*, and be it Enacted by the Authority *aforsaid*, That all Suits, Actions, and Prosecutions to be brought, commenced or prosecuted against any Person or Persons, for any Thing done or to be done, in Pursuance or by Authority of this Act, shall be laid and tryed in the County where the Fact was committed, and shall be commenced and prosecuted without wilful Delay, within six Calendar Months next after the Fact committed, and not otherwise.

VIII. And be it further Enacted by the Authority *aforsaid*, That if any Powder other than such Quantity as any Person by this Act, may lawfully keep in his Custody, shall be found during any Fire, or Alarm of Fire



Fire in the said City, by any of the Firemen of the said City, it shall be lawful for him to seize the same, without Warrant from a Magistrate, and to hold and have the same to his own Use; any Thing in this Act to the contrary notwithstanding.

12th GEORGE III.  
A. D. 1772.

This Act to be and continue of Force from the passing thereof, until the Twenty-fifth Day of *March*, One Thousand Seven Hundred and Seventy-four.

## C H A P. MDL.

*An ACT for the better Support of the Hospital to be erected in the City of New-York, for sick and indigent Persons.*

Pass'd the 24th March, 1772.

**W**HEREAS his Majesty has been graciously pleas'd by Letters Patent or Charter, under the Great Seal of this Colony, to establish a Corporation under the Name of, *The Society of the Hospital in the City of New-York in AMERICA*; for the benevolent Design of healing such sick Persons, who from their extreme Indigence, are become Objects of Charity. *And whereas* the said Society have by their Petition to the General Assembly, not only suggest'd, that without the Aid of the Public, the Institution is in Danger of failing; but given the fullest and most explicit Assurances, that the Benefits thereof shall not be denied to any poor disabled Persons, and that they mean to proceed uninfluenced by any contracted or partial Attachments, and without civil or religious Distinctions of any Kind. *And whereas* a Society established for Ends, so laudable, and conducted by Principles so generous, humane and benevolent, deserves the Encouragement of the Public;

Preamble.

I. Be it therefore Enacted by his Excellency the Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same, That the Treasurer of this Colony for the Time being, shall, out of any Fund in the Treasury, pay, and he is hereby required to pay unto the Treasurer, for the Time being, of the said Society of the Hospital in the City of *New-York*, in *America*, the Sum of *Eight Hundred Pounds* annually, for and during the Term of *Twenty Years*, to be computed from the first Day of *February* next; which Sum of *Eight Hundred Pounds*, so to be paid, shall become chargeable upon the Duty of Excise, laid or to be laid, on strong Liquors retailed in the City of *New-York*.

£. 800, to be paid annually for 20 Years, chargeable on the Excise in *New-York*, for the Use of the Hospital.

II. And be it also Enacted by the same Authority, That the Monies that may hereafter arise by the Duty of Excise to be laid on strong Liquors retailed in the several Cities, Counties, Towns, Boroughs, and Manors within this Colony, for and during the Term of *Twenty Years*, to be computed from the first Day of *February* next, and not appropriated by this Act, shall be paid by the Commissioners to be appointed for collecting the Duty of Excise on strong Liquors retailed within this Colony, unto the Treasurer of the Counties severally, where such Duty shall be collected, to be annually disposed of and applied to the Use of such Counties, in such Manner as the Majority of the Supervisors of the Counties respectively, shall think proper. *Provided always*, That if the Duty on Excise in the City of *New-York*, should in any Year exceed the said Sum of *Eight Hundred Pounds*, that such Excess shall be paid, and the Commissioner to be

The Excise in the other Counties appropriated to repairing Highways during 20 Years.

§ L

appointed,

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ACTS AND RESOLVES  
OF  
MASSACHUSETTS.

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1782-83.

[REPRINTED UNDER CHAPTER 104 OF THE RESOLVES OF 1889.]

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*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 :

Persons prohibited taking into their Dwellings, &c. any piece of Ordnance loaded with Gun Powder.

*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*.

Penalty.

Pieces of Ordnance charged with Gun Powder found in any Dwelling House, &c. liable to be seized.

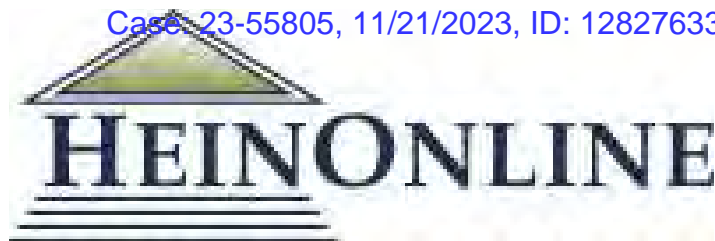
*And be it further enacted by the Authority aforesaid,* That all Cannon, Swivels, Mortars, Howitzers, Cohorns, Fire Arms, Bombs, Granades, and Iron Shells of any Kind, that shall be found in any Dwelling House, Out House, Stable, Barn, Store, Ware House, Shop, or other Building, charged with, or having 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.

How disposed of in Cases of Forfeiture.

Appeals allowed.

*Be it further enacted,* That Appeals shall be allowed in Prosecutions upon this Act as is usual in other Cases.

*March 1, 1783.*



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**L A W S**

OF THE

**STATE OF NEW - YORK,**

PASSED AT THE

FIRST MEETING OF THE SEVENTH SESSION OF THE LEGISLATURE  
OF SAID STATE.

**CHAP. 1.**

AN ACT to lay a duty of tonnage on vessels for defraying the  
expence of the lighthouse at Sandy Hook.

PASSED the 12th of February, 1784.

*1. 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,* Duty levied.  
That a duty of four pence per ton shall be levied and collected on all vessels which shall arrive from sea into the port of New York excepting vessels the property of citizens of this State while actually employed on whaling or coasting voyages, and all vessels the entire property of citizens of any of the United States, which shall not exceed the burthen of sixty tons carpenters tonnage.

That for the orderly collection of the said duty it shall be lawful for the master and wardens of the port of New York, who are or shall be appointed by the council of appointment, to appoint a clerk to execute the duties enjoined upon him by this act. Clerk to be appointed to collect same.

That every master or commander of a vessel claiming an exemption from the said duty shall if required make oath before the said clerk or in his absence before any of the said wardens who are hereby respectively empowered to administer the same. That according to the best of his knowledge and belief such vessel is a whaling or a coasting vessel entitled to exemption from the said duty, according to the true intent meaning of this act; and in case of refusal to take the said oath such master or commander shall be liable not only to the duty of tonnage the penalties in such cases to be imposed by this act. That every master of a vessel subject to the said duty who shall not within twenty-four Masters claiming exemption to make oath. Penalty for failure to report to clerk on arrival.

CHAP. 28.]

SEVENTH SESSION.

627

*And be it further enacted by the authority aforesaid* That whenever any person shall refuse to appear and make affidavit in pursuance of such summons, a warrant shall issue from such judge or magistrate to compel his appearance, and if on his appearance he shall refuse to make affidavit, or affirmation if a Quaker, of the fact which may be within his knowledge touching the matters in question, he shall be committed to the common gaol of the county, there to remain without bail or mainprise for the term of six callender months.

Warrant  
to issue  
against  
witnesses  
refusing  
to appear.

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## CHAP. 27.

AN ACT to repeal an act entitled An act to revive and amend an act entitled an act more effectually to prevent robberies within this State.

PASSED the 10th of April, 1784.

*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 the act entitled "An act to revive and amend an act entitled an act more effectually to prevent robberies within this State," passed the first day of July, one thousand seven hundred and eighty, shall be, and the same is hereby repealed.

Act named  
repealed.

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## CHAP. 28.

AN ACT to prevent the danger arising from the pernicious practice of lodging gun powder in dwelling houses, stores, or other places within certain parts of the city of New York, or on board of vessels within the harbour thereof.

PASSED the 13th of April, 1784.

WHEREAS the storing of gun powder within the city of New York is dangerous to the safety thereof.

Preamble.

*Be it therefore 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 passing of this act, it shall not be lawfull for any merchant, shopkeeper, or retailer, or any other person, or persons whatsoever, to have or keep any quantity of gun powder exceeding twenty-eight pounds weight, in any one place, less than one mile to the northward of the city hall of the said city, except in the public magazine at the Fresh-water, and the said quantity of twenty-eight pounds weight, which shall be lawfull for any person to have and keep at any place within this city, shall be seperated into four stone jugs or tin canisters, which shall not contain more than seven pounds each, on pain of forfeiting all such gun powder, and the sum of fifty pounds for every hundred weight, and in that proportion for a greater or lesser quantity, and upon pain of forfeiting such quantity which any person may lawfully keep as aforesaid, and which shall not be seperated as above directed, with full costs of suit to any person, or persons, who will inform and sue for the same, by any action, bill, or information, in any of the courts of record, in this city, who are hereby impowered, and required, to give special judgment in such action bills or informations, to be brought

Unlawful  
to keep  
gunpow-  
der in  
quantities  
exceeding  
twenty-  
eight  
pounds  
except in  
public  
magazine,  
etc.

Penalty.

by virtue of this act, as well for the recovery of the value of such gun powder in specie, as for the penalty aforesaid, besides costs, and to award, effectual execution thereon, provided always that all suits, actions, or prosecutions to be brought, commenced, or prosecuted, against any person or persons, for any thing done in pursuance of this act, shall be commenced and prosecuted without willful delay, within two callender months next after the fact was committed, and not otherwise.

*And whereas* vessels arriving from sea, and having onboard as part of their cargo a quantity of gun powder.

Gunpow-  
der on  
vessels to  
be landed  
before  
vessel  
hauls  
alongside  
of wharf,  
etc.

*Be it enacted by the authority aforesaid,* That the commander, or owner or owners, of all such ships or vessels, having gun powder onboard, shall, within twenty-four hours after her arrival in the harbour, and before they hawl along side of any wharf, pier or key within the city, land the said gun powder, by means of their boat or boats, or any other craft, at any place along the ship yards on the East river, or at any place to the northward of the air furnace on the North river, which may be most contiguous to the magazine at Fresh water, and shall cause the same to be stored there, or in any other proper magazine, which now is or hereafter may be built for that purpose, at any place to the northward thereof, on pain of forfeiting all such gun powder, to any person or persons, who will inform and sue for the same, in like manner, as is herein before directed, with respect to the having and storing of gun powder within the city as aforesaid. And in order to prevent any fatal consequences which may arise, from the carriage of gun powder, in and through the streets of the city of New York, by carts, carriages, or by hand, or otherways, it shall be in tight cask, well headed and hooped, and shall be put into bags or leather-cases, and intirely covered therewith, so as that none be spilt or scattered in the passage thereof, on pain of forfeiting all such gun powder, as shall be conveyed through any of the streets aforesaid in any other manner than is herein directed, and it shall and may be lawfull for any person or persons, to seize the same to his or their own use and benefit— provided the person or persons so offending, be thereof lawfully convicted, before the mayor, recorder, or any two justices of the city aforesaid. And that it shall and may be lawfull, for the mayor recorder, or any two justices of the peace of the city and county of New York, upon demand made by any inhabitant or inhabitants of the said city, who assigning a reasonable cause of suspicion on oath, of the sufficiency of which the said mayor or recorder, or justices, is and are to judge, to issue his or their warrant or warrants, under his or their hands and seals, for searching in the day time for gun powder in any building or place whatsoever, within the limits aforesaid, or any ship or vessel within forty eight hours after her arrival in the harbour, or at any time after any such ship or vessel shall and may have hawled alongside of any wharf pier or key within the limits aforesaid, and that upon any such search, it shall be lawfull for the searchers or persons finding the same, immidiatly to seize, and at any time within twelve hours after such seizure, to cause the same to be removed to the magazine at Fresh water, or to any other proper magazine, which now is or hereafter may be at any place north of Fresh water aforesaid, and the same being so removed, it shall be lawfull to detain and keep the same untill it shall be determined by the mayor, recorder or any two of the justices of the peace of the city and county aforesaid, whether the same shall be forfeited by virtue of this act, and the person or persons so detaining the same, shall not be subject or liable to any action or suit, for the detention thereof, provided always that nothing in the act con-

How gun-  
powder to  
be trans-  
ported  
through  
streets of  
city.

Warrant  
to search  
in day  
time for  
gun pow-  
der unlaw-  
fully  
stored  
may be  
issued,  
etc.



tained, shall be construed to authorize any person, having such warrant to take advantage of the same, for serving any civil process of any kind whatsoever.

*And be further enacted by the authority aforesaid,* That if any gun powder, exceeding the quantity which any person by this act may lawfully keep in his custody, shall be found during any fire, or alarm of fire, in the said city, by any of the firemen of the said city, it shall be lawful for him to seize the same, without warrant from a majestrate, and to hold and have the same to his own use, any thing in this act to the contrary notwithstanding. This act to be and continue in force from the passing thereof, untill the twenty-eight day of February in the year of our Lord one thousand, seven hundred and eighty six.

If found during any fire may be seized without warrant.

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## CHAP. 29.

AN ACT to lengthen the terms of the inferior courts of common pleas and general sessions of the peace, in the counties of Westchester, Queens and Richmond; and for other purposes therein mentioned.

PASSED the 13th of April, 1784.

WHEREAS the duration of the terms of the inferior courts of common pleas and general sessions of the peace, in the counties of Westchester, Queens and Richmond; which, in the county of Westchester, continue from the fourth Tuesday in May until the Friday following, and from the first Tuesday in November until the Friday following, in every year; in Queens county, from the third Tuesday in May until the Friday following, and from third Tuesday in September until the Friday following, in every year; and in Richmond county, from the first Tuesday in May until the Friday following, and from the last Tuesday in September until the Friday following, in every year, are found from experience, to be too short for the discharge of the necessary business in the said respective courts.

Preamble.

*Be it therefore 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 the terms of the inferior courts of common pleas and general sessions of the peace in the county of Westchester, shall hereafter commence on the fourth Monday in May and first Monday in November, in every year, and shall continue until the several Saturdays next following, inclusive; that the terms of the inferior courts of common pleas and general sessions of the peace in Queens county, shall commence on the third Mondays in May and September, in every year, and shall continue until the several Saturdays next following, inclusive; and that the inferior courts of common pleas and general sessions of the peace in the county of Richmond, shall commence on the first Monday in May and last Monday in September, in every year, and shall continue until the several Saturdays next following, inclusive. That all process issued out of the said respective courts, and made returnable on the usual return days, and all recognizances by which any person or persons shall be bound to appear on the said usual return days, shall be deemed good and valid on such days, although such days of return and appearance, are by this act, respectively altered.

Terms of the courts, when to commence and when to close.

Process issued returnable on usual return days valid.

## ACTS AND LAWS,

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

### 1786. — Chapter 1.

[May Session, ch. 1.]

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

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

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

Robert Morris and James Alexander naturalized.

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

Certificate to be returned.

*June 5, 1786.*

## 1786. — CHAPTER 38.

87

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

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

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

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

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

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

To be delivered over to the civil magistrate.

## 1786. — Chapter 38.

[September Session, ch. 8.]

AN ACT TO PREVENT ROUTS, RIOTS, AND TUMULTUOUS ASSEMBLIES, AND EVIL CONSEQUENCES THEREOF. *Chap. 38.*

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

Preamble.

Proclamation to  
be made among  
rioters.

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

COMMONWEALTH OF *Massachusetts*.

Form.

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

GOD Save the COMMONWEALTH.

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

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

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

## 1786. — CHAPTER 38.

89

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

Penalty for refusing to assist the Sheriff or other officer.

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

Punishment for unlawfully continuing together one hour after proclamation made.

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

Proviso.

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

Times when this act shall be read.

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

October 28, 1786.

### 1786. — Chapter 39.

[September Session, ch. 9.]

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

Preamble.

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

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

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

Articles received at the town of Boston.

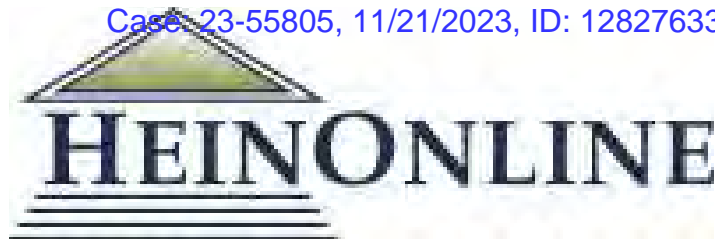
*At a Store, or other convenient place, to be appointed in the Town of Boston, the following articles, at the respective prices annexed thereto viz.*

*Good merchantable Beef, at twenty shillings per hundred.*

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

*Good merchantable Pork, at four pence per pound.*

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



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OF THE  
T E R R I T O R Y  
OF THE  
U N I T E D S T A T E S ,  
N O R T H - W E S T O F T H E R I V E R O H I O ;

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

ALSO,

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

WITH AN APPENDIX

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

VOL I.

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*Published by Authority.*

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CINCINNATI,

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



# ACTS

PUBLISHED BY THE

GOVERNOR AND JUDGES

OF THE

TERRITORY

OF THE

UNITED STATES,

NORTH-WEST OF THE RIVER OHIO,

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

OATHS, 1788

321

## ACTS, &amp;c.

## CHAPTER I.

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

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

Every person  
appointed to  
civil offices  
to take oath,

or

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

affirmation,

[6]

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

before the  
governor.

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

322      *ILLINOIS HISTORICAL COLLECTIONS*

## CHAPTER II.

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

*Treason.*

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

[7]

**be deemed treasonable.**

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

*Murder.*

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

*Manslaughter.*

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

## CRIMES AND PUNISHMENTS, 1788

323

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

*Burglary.*

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

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

[8]

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

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

**and fined.**

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

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

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

**What cases  
deemed wilful  
murder.**

324 *ILLINOIS HISTORICAL COLLECTIONS*

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

**What crimes  
deemed  
rob-**

*Robbery.*

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

[9]

**berry, and  
how punished.**

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

**Robbery,  
how punished.**

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

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

*Riots and unlawful Assemblies.*

**Fines on  
unlawful  
assemblies  
&c.**

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

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① New Jersey - Legislative

# LAWS

OF THE

## STATE OF NEW-JERSEY.

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Revised and Published

UNDER THE AUTHORITY OF THE LEGISLATURE.

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TRENTON :

PRINTED, FOR THE STATE, BY JOSEPH JUSTICE.

1821.

## LAW OF NEW-JERSEY.

473

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

1799.

he shall not execute the warrant agreeably to law.

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

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

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

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

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

**AN ACT** to describe, apprehend and punish disorderly persons.

PAT. 410.

Passed the 10th of June, 1799.

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

Who shall be adjudged to be disorderly persons.



1769.

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

Further description of disorderly persons.

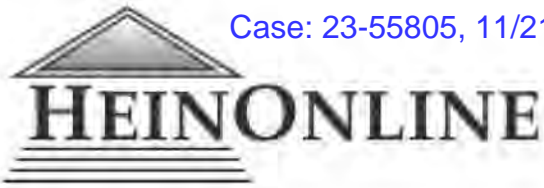
2. *And whereas* divers ill disposed persons are frequently apprehended, having upon them implements for house-breaking, or offensive weapons, or are found in or upon houses, warehouses, stables, barns or out-houses, areas of houses, coach-houses, smoke-houses, enclosed yards, or gardens belonging to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

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

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

Justices to issue process against disorderly persons.

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



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cial Court, to parties and witnesses, as are allowed in the regular Courts of law ; and that the said two Justices, *quorum unus*, shall have the same fees, and be allowed the same sums for the trial aforesaid, as are allowed to Justices in the process of forcible entry and detainer.

[Approved March 8, 1821.]

—••••—  
CHAPTER XXV.

An Act for the prevention of damage by Fire, and the safe keeping of Gunpowder.

Selectmen to make regulations as to the keeping of gunpowder in certain towns.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That the Selectmen of each town within this State, containing not less than fifteen hundred inhabitants, be, and they hereby are, authorized and empowered to make rules and regulations, from time to time, in conformity with which, all gunpowder which is or may be within such town, shall be kept, had or possessed therein ; and no person or persons shall have, keep or possess within such town, any gunpowder, in any quantity, manner, form or mode, other than may be prescribed by the rules and regulations aforesaid.

Penalty for violating such regulations.

SEC. 2. *Be it further enacted,* That any person or persons who shall keep, have or possess any gunpowder, within any town, contrary to the rules and regulations which shall be established by the Selectmen of such town, according to the provisions of this Act, shall forfeit and pay a fine of not less than twenty dollars, and not exceeding one hundred dollars, for each and every offence, to be recovered by action of debt in any Court proper to try the same.

Mode of recovery.

Powder kept contrary to regulations may be seized and libelled.

SEC. 3. *Be it further enacted,* That all gunpowder which shall be had, kept or possessed, within any town, contrary to the rules and regulations which shall be established by the Selectmen of such town, according to the provisions of this Act, may be seized by any one or more of the Selectmen of such town, and shall within twenty days next after the seizure thereof, be libelled, by filing with any Justice of the Peace in such town, a libel, stating the time, place and cause of seizure, and the time and place when and where trial shall be had before said Justice, and a copy of said libel shall be served by the Sheriff, or his deputy, on the person or persons, in whose possession the said gunpowder shall have been seized by delivering a copy thereof to each such person, or leaving such copy at his or her usual place of abode, seven days at least, before the time which shall be specified in said libel, for the trial thereof, that such person may appear, and show cause why the gunpowder, so seized or taken, should not be adjudged forfeit ; and if any person shall appear to show cause why the same should not be adjudged forfeit, such ap-

Proceedings on such libel.

## FIRE.—GUNPOWDER.

99

pearance shall be entered on record, by said Justice; and if the gunpowder, seized as aforesaid, shall be adjudged forfeit, the person or persons, whose appearance shall have been recorded as aforesaid, shall pay all costs of prosecution, and execution shall issue therefor: *Provided however*, That the person or persons, whose appearance shall have been recorded, may appeal from the judgment rendered by said Justice of the Peace, to the next Court of Common Pleas to be holden for the County where such town is situated: and the party so appealing, before such appeal shall be allowed, shall recognize, with sufficient surety or sureties to the libellant, to prosecute his said appeal and to pay all such costs as may arise after said appeal; and no further proceedings shall be had upon the judgment appealed from; and in case the party appealing shall neglect to enter his appeal, the Court appealed to, may, upon complaint, proceed to affirm the judgment of the Justice, with additional costs.

Appeal from  
Justice's judgment,

after proceedings.

Sec. 4. *Be it further enacted*, That any person who shall suffer injury by the explosion of any gunpowder, had or possessed, or being within any town, contrary to the rules and regulations which shall be established in such town, according to the provisions of this Act, may have an action of the case in any Court proper to try the same, against the owner or owners of such gun powder, or against any other person or persons, who may have had the possession or custody of such gunpowder, at the time of the explosion thereof, to recover reasonable damages for the injury sustained.

Persons damaged by explosion of powder illegally kept, may obtain redress.

Sec. 5. *Be it further enacted*, That it shall, and may be lawful for any one or more of the Selectmen of any town to enter any building, or other place, in such town, to search for gunpowder, which they may have reason to suppose to be concealed or kept, contrary to the rules and regulations which shall be established in such town, according to the provisions of this Act, first having obtained a search warrant therefor according to law.

Selectmen may enter buildings to search for powder.

Sec. 6. *Be it further enacted*, That when any stove, chimney or stove pipe, within any town containing not less than fifteen hundred inhabitants, shall be defective, or out of repair, or so constructed or placed, that any building, or other property shall be in danger of fire therefrom, the Selectmen of said town shall give notice in writing, to the possessor or possessors of such stove, chimney or stove pipe, to remove or repair the same; and if such possessor shall for the term of six days after the giving of such notice, unnecessarily neglect to remove, or effectually repair such stove, chimney or stove pipe, such possessor shall, for each and every such neglect, forfeit and pay a fine of not less than ten dollars, nor more than fifty dollars, to be recovered by action of the case, in any Court proper to try the same.

Penalty for suffering stoves, chimnies or stove pipes to be defective, &c.

Action of case.

Sec. 7. *Be it further enacted*, That the fines, forfeitures

Appropriation  
of fines, &c.

and penalties, which shall arise under this Act, shall accrue, one moiety thereof to the use of the town within which the offence shall be committed, and the other moiety to the use of the person who shall prosecute or sue for the same.

Above regula-  
tions not to be  
in force till  
published by  
Selectmen, &c.

SEC. 8. *Be it further enacted,* That the rules and regulations, which shall be established in any town, according to the provisions of this Act, shall be of no force or effect, until such rules and regulations, together with this Act, shall have been published by the Selectmen of such town, three weeks successively, by printing in some newspaper printed within the County, or by posting up attested copies in three several public places in said town.

[*Approved March 19, 1821.*]



#### CHAPTER XXVI.

An Act to prevent damage from firing Crackers, Squibs, Serpents and Rockets, within this State.

Crackers,  
squibs, &c. not  
to be fired with-  
out license.

**BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That if any person shall offer for sale, set fire to, or throw any lighted cracker, squib, rocket or serpent within this State, without the license of the Selectmen of the several towns, respectively, first obtained therefor, he shall forfeit, for every such offence, the sum of five dollars; one moiety to the use of the poor of that town, in which the offence shall be committed, and the other moiety to the use of the prosecutor; to be recovered by action of debt, or by information before any Justice of the Peace of the County, in which the offence shall be committed, with the costs of suit.

Punishment.

[*Approved February 20, 1821.*]



#### CHAPTER XXVII.

An Act more effectually to secure Fire Engines from being injured.

Persons wan-  
tonly injuring  
fire engines,

punished on  
conviction in  
S. J. Court.

**BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That if any person shall wantonly or maliciously, spoil, break, injure, damage or render useless, any engine, or any of the apparatus thereto belonging, prepared by any town, society, person or persons, for the extinguishment of fire, and shall be convicted thereof, before the Supreme Judicial Court, he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment, not exceeding two years, at the discretion of the Court; and be further ordered to recognize, with sufficient surety or sureties, for his good behaviour for such term as the Court shall order.

[*Approved March 2, 1821.*]

## Gunpowder.

73

election," passed December 16, 1824, be and the same is hereby repealed. *Approved July 2, 1825.* Repeal.

## CHAPTER LXI.

*AN ACT to regulate the keeping and selling, and the transporting of gun-powder.* Passed July 2, 1825.

SECT. 1. **BE** it enacted by the Senate and House of Representatives in General Court convened, That there shall not at any time be kept in any ware-house, store, shop, or other building in the compact part of any town or village in this State, a greater quantity of gun-powder than three quarter cask or seventy-five pounds; and any person or persons so keeping a greater quantity, shall forfeit and pay for every day during which such greater quantity of gun-powder shall be kept as aforesaid, a sum not exceeding five dollars, nor less than one dollar, to be recovered by any person suing for the same in an action of debt before any justice of the peace, or court proper to try the same, with costs of suit, one half for the use of the prosecutor and the other half for the use of the town in which such gunpowder is kept; or, if sued for by the firewards or selectmen of any town, then the whole of said forfeiture shall be kept for the use of said town, to be expended by said firewards or selectmen in purchasing materials necessary and proper for extinguishing fires. And the said firewards or selectmen are hereby authorized and empowered to seize any gunpowder kept as aforesaid in a greater quantity than one quarter cask, and cause the same to be condemned in any court proper to hear and try the same, the avails of which shall be expended for the purposes aforesaid.

SECT. 2. *And be it further enacted,* That every person keeping gunpowder to sell by retail in less quantity than seventy-five pounds, and who shall not at all times keep the same in a tin canister or canisters or other incombustible vessel or vessels, covered and secured from fire, or in casks which shall be enveloped in substantial and close leathern bags or sacks, shall forfeit and pay for each and every day, he, she or they shall so keep it, a sum not exceeding five dollars nor less than one dollar, to be sued for and recovered with costs of suit in the manner and for the uses and purposes aforesaid.

SECT. 3. *And be it further enacted,* That gunpowder shall not be transported or carried through the compact part of any town or village, in any cart, waggon or other open carriage, in a greater quantity than one hundred pounds at any one time, nor unless the casks containing the gunpowder so transported, if more than twenty-five

What quantity may be kept.

Penalty for keeping more.

How recoverable.

To whose use.

How expended.

Firewards, &amp;c. may seize powder.

How powder shall be kept for retail.

Penalty for not so keeping.

How recoverable.

Manner of transporting.

*Alteration of Names.*

Penalty for not  
so transporting. pounds be enveloped in substantial and close leathern bags or sacks; and any person or persons transporting gunpowder as aforesaid, in a greater quantity and without being enveloped as aforesaid, except the same be conveyed in a closely covered carriage, shall forfeit and pay a sum not more than fifty dollars nor less than ten dollars, to be sued for and recovered with costs of suit, in the manner and for the uses and purposes aforesaid.

Shall not be  
peddled. SECT. 4. *And be it further enacted,* That no person shall at any time transport or carry from town to town or from place to place any gunpowder for the purpose of peddling, or selling it by retail, on penalty that the owner or owners, or person or persons selling it, or offering it for sale, shall forfeit and pay a sum not exceeding five dollars nor less than one dollar for each cask of gunpowder so transported or carried and sold or offered for sale, to be recovered with costs of suit and applied to the same uses and purposes as herein before directed.

Penalty a-  
gainst ped-  
dling. SECT. 5. *And be it further enacted,* That if any person or persons shall sell or offer for sale by retail any gunpowder in any highway, or in any street, lane, or alley, or on any wharf, or on any parade or common, such person so offending shall forfeit and pay for each and every offence a sum not more than five dollars nor less than one dollar, to be recovered and applied as aforesaid.

Shall not be  
sold by retail  
in any street,  
&c., SECT. 6. *And be it further enacted,* That if any person or persons shall within this State, in the night time between sunseting and sunrising, sell or offer to sell by retail, or deal out any gunpowder, such person so offending shall forfeit and pay for each and every such offence a sum not more than five dollars nor less than one dollar, to be recovered and applied as aforesaid.

Limitation of  
prosecutions. SECT. 7. *And be it further enacted,* That all prosecutions for offences against this act shall be commenced within three months after the offence shall have been committed, and not afterwards.

*Approved July 2, 1825.*

## CHAPTER LXII.

Passed July  
2, 1825. *AN ACT to alter the names of sundry persons therein mentioned.*

**WHEREAS** certain persons have petitioned the legislature to alter their names, and their request appearing reasonable; Therefore,

**BE it enacted by the Senate and House of Representatives in General Court convened,** That Elis Leathers of Barnstead, shall hereafter be called and known by the

May Session, 1832.

891

shall not be construed to apply or extend to any vessel arriving or coming from any foreign port, or place, or from any port or place in the United States, south of the Capes of the Delaware, which shall have entered any port or place in the United States, north of the said Capes of the Delaware, where there are quarantine regulations, and have been visited by a health officer, received a clean bill of health, and shall have been permitted to go to the wharves and unload thereat.

Limitation of former act.

*Provided*, such clean bill of health, or a certified copy thereof, shall be left with the collector of the port within twenty-four hours after the arrival of such vessel.

Proviso.

MARTIN WELLES,

Speaker of the House of Representatives.

THADDEUS BETTS,

President of the Senate.

May 31st, 1832—Approved.

JOHN S. PETERS

## CHAP. XXV.

### An Act regulating the mode of keeping of Gun Powder.

SEC. 1. **B**E it enacted by the Senate and House of Representatives, in General Assembly convened, That hereafter it shall be lawful for the select-men of each and every town within this State, or a majority of them, by their order, in writing, directed to the owners or persons having charge of the same, to cause to be removed to some safe and convenient place within said town, and within such time, as in said order may be prescribed, any quantity of gun powder so deposited or kept, within the limits of said town, as in the opinion of said select-men, or a majority of them, may endanger the persons or dwellings of any individuals whatsoever. Whereupon it shall become the duty of the persons thus notified, to remove the said gun powder within the time, and to the place specified in said order.

Order for removal of gun powder.

Duty of persons notified.

SEC. 2. That in case the said gun powder shall not be removed pursuant to said order, as is hereinbefore prescribed, the said select-men, or a majority of them, may remove or cause the same to be removed to such place within said town, as in their opinion shall be deemed safe and convenient. And they shall have and retain a lien upon the said powder for all necessary expenses in removing and keeping the same.

Authority of select-men to remove.

Lien.

SEC. 3. That those persons who may hereafter wish to



Place of deposit for gunpowder, how designated.

deposit, or keep, within the limits of any town in this State, gunpowder in quantity exceeding fifty pounds, may require the select-men of such town, or a majority of them to designate some safe and convenient place for that purpose; and it shall thereupon become the duty of such selectmen, or a majority of them, in writing, to designate and appoint a suitable place within their respective towns, for such purpose; at which place, thus designated, it shall be lawful thenceforth to deposit and keep gunpowder according to the true intent and meaning of this Act, until the select-men of said town, or a majority of them, for the time being, shall order the same to be removed pursuant to the foregoing provisions of this Act.

Penalty.

SEC. 4. That if any person shall violate the provisions of this act as hereinbefore specified, he shall forfeit the sum of fifty dollars, one half thereof to the treasury of the town within which the offence is committed, and the other half to the person who may sue for and recover the same, in an action of debt.

Proviso.

*Provided*, if any person shall consider himself aggrieved by the doings of the select-men, he may petition the next county court, which may grant the proper relief.

MARTIN WELLES,

Speaker of the House of Representatives.

THADDEUS BETTS,

President of the Senate.

May 30th, 1832—Approved.

JOHN S. PETERS.

## CHAP. XXVI.

### An Act in addition to an Act entitled "An Act to regulate the Inspection of Provisions."

Hundred of staves and hoops.

**B**E it enacted by the Senate and House of Representatives in General Assembly convened, That in all sales of staves or hoops which shall be made subsequently to the first day of July next, one hundred staves, and not the number of one hundred and twenty, and one hundred hoops, and not the number of one hundred and twenty, shall constitute the hundred of each of said articles; and the aliquot parts of a hundred shall be reckoned accordingly; any law, usage or custom to the contrary notwithstanding.

MARTIN WELLES,

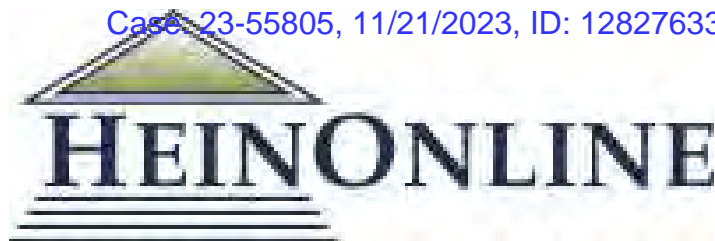
Speaker of the House of Representatives.

THADDEUS BETTS,

President of the Senate.

May 31st, 1832—Approved.

JOHN S. PETERS.



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THE PUBLIC  
STATUTE LAWS  
OF THE  
STATE OF CONNECTICUT,  
PASSED AT THE  
MAY AND DECEMBER SESSIONS, 1836,  
AND THE  
MAY SESSION OF THE GENERAL ASSEMBLY, 1837.  
TOGETHER WITH THE  
ERRATA FOR THE PUBLIC STATUTES, COMPILED IN ONE VOLUME IN 1835.  
ALSO,  
SOME PUBLIC ACTS,  
THAT ARE NOT INCLUDED IN SAID VOLUME, (BUT ARE INCLUDED IN THE VOLUME  
OF PRIVATE ACTS ATTACHED TO THE CHARTERS TO WHICH  
THEY PARTICULARLY REFER.)

PUBLISHED BY AUTHORITY OF THE GENERAL ASSEMBLY, (BY A SPECIAL RESOLUTION OF  
SAID ASSEMBLY,) UNDER THE DIRECTION AND SUPERINTENDENCE  
OF THE SECRETARY OF THE STATE.

HARTFORD: PRINTED BY JOHN L. BOSWELL.

1837.

## ERRATA

### IN COMPILED STATUTES OF 1835.

☞ Acts omitted and not included in the volume of public acts compiled in 1835—and which, with the *errata* to said compilation, were by a resolution passed by the General Assembly in 1836, directed to be published in this pamphlet, to wit:

#### TITLE XV.—CHAPTER I.

REVISED STATUTES 1821.

An Act incorporating the Cities of Hartford, New Haven, New London, Norwich, and Middletown.

Limits of the city of Hartford.

SECT. 1. BE it enacted by the Senate and House of Representatives in General Assembly convened, That all the inhabitants, being electors of the state, dwelling in the town of Hartford, within the following limits, to wit: beginning at a place called the Dutch ground, upon the high land, on the bank of the great river, on the southerly side of said river, as it now runs in the lot belonging to Thomas Seymour, Esq. and from thence, a straight line to the north-west corner of Joshua Hempstead's dwelling-house; thence a westerly line to the north-west corner of James Steele's dwelling-house; from thence a north-westerly course to the south-west corner of James Shepard's malt house; from thence northerly, a straight line to the upper mills, so called, including said mills; thence northerly in a straight line to the northwest corner of Capt. John Olcott's dwelling-house, including said house; and from thence turning and running due east, a straight course to Connecticut river: be, and the same are hereby ordained, constituted, and declared to be, from time to time, and forever hereafter, one body politic and corporate, in fact and in name, by the name of "The Mayor,

**Certificate to be given and recorded.** either of the aldermen of the city, provided they have been first sworn according to this act. And the person administering the oath, prescribed by this act, shall give a certificate thereof, to the person to whom he administered it, which certificate shall be recorded in the records of such city, before the person to whom it is given, shall be capable of executing the office to which he is chosen.

**Power to make by-laws.** SECT. 20. There shall be a court of common council of each city, to be composed of the mayor, aldermen, and common council, who, by a major vote, shall have power to make by-laws, relative to markets and commerce, within the limits of said cities; relative to persons summoned to attend as jurors at city courts, and neglecting to attend, or refusing to serve; relative to the streets and highways of said cities; relative to nuisances; relative to the wharves, channels, anchoring and mooring of vessels; relative to trees, planted for shade, ornament, convenience, or use, public or private, and to the fruit of such trees; relative to trespasses committed in gardens; relative to the sweeping of chimnies; relative to the forms of oaths to be taken by the treasurers of said cities, and the inspectors of produce brought to said cities for sale or exportation; relative to the manner of warning meetings of said cities, and the courts of common council, and the times and places of holding them; relative to the qualifications, in point of property, of the mayor and aldermen; relative to the bonds to be given, by the sheriffs of said cities, for a faithful discharge of their duty; relative to the penalties to be incurred by those, who, being chosen to any city office, shall, (not being excused by the city,) refuse to serve; relative to a city watch; relative to the burial of the dead; relative to public lights and lamps; relative to restraining horses, cattle, sheep, swine, and geese, from going at large within the limits of said cities; relative to the mode of taxation, as to taxes levied by said cities; relative to preserving said cities from exposure to fire; and to prevent the future erection of any building or buildings, in the most compact and populous parts of said cities, or the alteration, or appropriation of any buildings already erected, to be used for baker's shops, blacksmith's shops, hatter's shops, or tallow-chandler's shops, or any other buildings, for those or similar purposes, which in the opinion of the common council of said cities, respectively, shall more immediately expose said cities to injury, and destruction from fire. And the court of common council

of each city, shall have power to designate and assign the limits to their said cities, within which no person or persons shall be permitted in future to erect, use, or occupy any building or buildings of the kind, or for the use mentioned in this act, without license from the court of common council; and to make by-laws relative to licensing and regulating cartmen, or truckmen, butchers, petty grocers, or hucksters, and common victuallers, under such restrictions and limitations, as to them shall appear necessary; and relative to raising and collecting a revenue, by duties and indirect taxes, within said cities; relative to the assize of bread, crackers, and biscuits, and other manufactories of flour, made and sold within said cities; and for securing to the inhabitants of cities, and other persons, the exercise of their rights, in the use of the public squares, streets, and highways within said cities, free from obstruction and molestation; for designating the place or places for military parades in or near said cities; for laying out and regulating public squares and walks; for regulating military parades and rendezvous, within the limits of said cities; and the marching of military companies with music in the streets of said cities; for preventing and punishing trespasses on public buildings; for defining the powers and duties of the city watch, and carrying them into effect; and relative to preserving the health of the inhabitants of said cities; relative to prohibiting and regulating the bringing in, and conveying out, or storing of gun-powder in said cities; and to inflict penalties and forfeitures of goods and chattels, for the breach of such by-laws; which penalties and forfeitures, shall be to the use of said cities respectively, or to such person or persons, as the by-laws shall direct, to be recovered by the treasurers of said cities, for the use of the same, or by the persons to whom forfeited, in an action on such by-law, brought to the city court, in said city where the offence is committed; in which action no appeal shall be allowed. *Provided*, that no penalty shall exceed the sum of thirty-four dollars; and no forfeiture of goods and chattels, shall exceed the value of thirty-four dollars; *and provided*, that such penalties shall not exceed thirty-four dollars, for a quantity of gun-powder not exceeding twenty-five pounds, and for each and every further amount of twenty-five pounds, an additional penalty not exceeding fifteen dollars. And all penalties not exceeding seven dollars, may be sued for, before the mayor or aldermen of the city, in which the offence is committed; and the defendant shall have

To inflict penalties.

How recoverable.

Limitation of penalties and forfeitures.

- liberty to appeal, when judgment is rendered against him, to the next city court, to be holden in and for said city, in the same manner as in other cases. *Provided*, that no by-laws shall be made repugnant to the laws of the state; and that all by-laws made by the court of common council, shall be approved by the cities, in legal meeting assembled, and shall be published at least three weeks successively, in some newspaper in, or nearest the cities where made, before the same shall be of any validity. And all the by-laws of said cities, shall, at any time, within six months after they are made, be liable to be repealed by the superior court, or supreme court of errors, in the county to which the city belongs, if, on hearing, they shall be judged to be unreasonable or unjust.
- By-laws to be published.** **May be repealed.** **Mayor, &c. to lay out, alter, and exchange highways.** **SECT. 21.** The mayor, aldermen, and common council of each city, shall have power to lay out new highways, streets, and public walks for the use of the cities, or to alter those already laid out, and exchange highways for highways, or to sell highways for the purpose of purchasing other highways, taking the same measures, in all respects, as are directed by law, in case of highways to be laid out by the selectmen, for the use of their towns; and the party aggrieved, by the laying out of such streets or highways, may have the same remedy, by application to the county courts, as is by law provided, in case of highways laid out by selectmen.
- Inspectors of produce.** **SECT. 22.** Each city shall have power to appoint inspectors of every kind of produce, of the United States, brought to such city for sale and exportation.
- Grants and leases.** **SECT. 23.** All grants and leases of any real estate belonging to either of said cities, signed by the mayor, and sealed with the city seal, and approved by the city, in a legal meeting, and recorded in the town where the lands granted or leased lie, shall be effectual to convey such estate.
- Vacancies in office, how supplied.** **SECT. 24.** Whenever the mayor of either of said cities, or any other officer eligible by the freemen, shall resign, or be removed, by death or otherwise, another shall be elected in his place, and (if the appointment be annual) shall continue in office for the same time as the person whom he succeeds would have done, had he not resigned, or been removed.
- Mayor, &c. to be moderator of meetings; which may adjourn.** **SECT. 25.** The mayor of each city, or in his absence, the senior alderman present, at any meeting of the city, or any court of common council, shall, *ex officio*, be moderator thereof. A meeting of the city may be adjourned,

## SEVENTY-SECOND SESSION.

403

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

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

§ 2. This act shall take effect immediately.

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## Chap. 277.

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

Passed April 7, 1849.

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

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

A lot may be  
purchased.

§ 2. This act shall take effect immediately.

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## Chap. 278.

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

Passed April 7, 1849.

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

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

Punishment  
for making  
or selling  
slung shot.



Indictment  
for felony.

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

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## Chap. 279.

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

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

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

Appropriation of \$9000.

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

Money to be paid.

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

How to be applied.

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

Residue how to be used.

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

§ 5. This act shall take effect immediately.

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

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

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

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

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

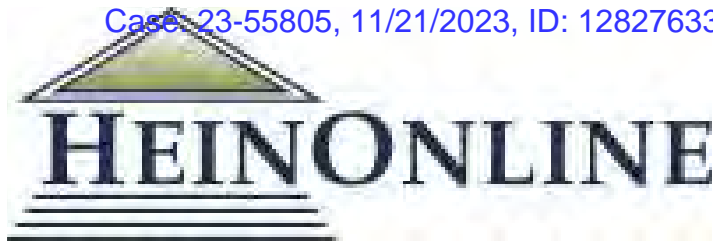
Approved, November 12th, 1849.

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

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

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



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

Approved June 2, 1927.

[No. 372.]

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

*The People of the State of Michigan enact:*

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

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

To whom  
granted.

Executed  
in duplicate.

Misde-  
meanor;  
penalty.

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

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

Penalty for  
violation.

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

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

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

Felony,  
what  
deemed.

Penalty.

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

Unlawful to  
carry, etc.,  
dagger, etc.

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

Concealed  
weapon  
licensing  
board.

To whom  
license  
granted.

other proper reasons, and that he is a suitable person to be so licensed, and in no event to a person who has been convicted of a felony or adjudged insane in this state or elsewhere. The prosecuting attorney shall be the chairman of the said board, which shall convene at least once in each calendar month and at such other times as they shall be called to convene by the chairman. Such licenses shall be issued only upon written application signed by the applicant and on his oath and upon forms provided by the commissioner of public safety. Such licenses shall issue only with the approval of a majority of said board and shall be executed in triplicate upon forms provided by the commissioner of public safety and shall be signed in the name of the concealed weapon licensing board by the county clerk and the seal of the circuit court affixed thereto. One copy of such license shall be delivered to the applicant, the duplicate of said license shall be retained by the county clerk as a permanent official record for a period of six years, and the triplicate of such license shall be forwarded to the commissioner of public safety who shall file and index licenses so received by him and keep the same as a permanent official record for a period of six years. Each license shall be issued for a definite period of not more than one year, to be stated in the license, and no renewal of such license shall be granted except upon the filing of a new application. Every license issued hereunder shall bear the imprint of the right thumb of the licensee, or, if that be not possible, of the left thumb or some other finger of such licensee. Such licensee shall carry such license upon his person at all times when he may be carrying a pistol concealed upon his person and shall display such license upon the request of any peace officer.

**Chairman of board.**

**Duration of license.**

**When license to expire.**

**When license revoked.**

**SEC. 7.** All licenses heretofore issued in this state permitting a person to carry a pistol concealed upon his person shall expire at midnight, December thirty-one, nineteen hundred twenty-seven.

**SEC. 8.** The licensing board herein created by section six may revoke any license issued by it upon receiving a certificate of any magistrate showing that such licensee has been convicted of violating any of the provisions of this act, or has been convicted of a felony. Such license may also be revoked whenever in the judgment of said board the reason for granting such license shall have ceased to exist, or whenever said board shall for any reasonable cause determine said licensee to be an unfit person to carry a pistol concealed upon his person. No such license shall be revoked except upon written complaint and then only after a hearing by said board, of which at least seven days' notice shall be given to the licensee either by personal service or by registered mail to his last known address. The clerk of said licensing board is hereby authorized to administer an oath to any person testifying before such board at any such hearing.

**Sec. 9.** On or before the first day of November, nineteen hundred twenty-seven, any person within this state who owns or has in his possession a pistol as defined in this act, shall, if he reside in an incorporated city or an incorporated village having an organized police department, present such weapon for safety inspection to the commissioner or chief of police of such city or village; if such person reside in a part of the county not included within the corporate limits of such city or village he shall so present such pistol for safety inspection to the sheriff of such county. Any person owning or coming into possession of a pistol after the first day of November, nineteen hundred twenty-seven, shall forthwith present such pistol for safety inspection in the manner provided in this section. A certificate of inspection shall thereupon be issued in triplicate on a form provided by the commissioner of public safety, containing the name, age, address, description and signature of the person presenting such pistol for inspection, together with a full description thereof; the original of such certificate shall be delivered to the registrant; the duplicate thereof shall be mailed to the commissioner of public safety and filed and indexed by him and kept as a permanent official record for a period of six years, and the triplicate of such certificate shall be retained and filed in the office of said sheriff, or commissioner or chief of police, as the case may be. The provisions of this section shall not apply to wholesale or retail dealers in firearms or to collections of pistols kept solely for the purpose of display, as relics, souvenirs, curios or antiques, nor to weapons heretofore registered under the provisions of section eleven of act number three hundred thirteen of the public acts of nineteen hundred twenty-five. Any person who fails to comply with the provision of this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment in the discretion of the court.

Safety inspection of weapons.

Certificate issued.

**Sec. 10.** No pawnbroker shall accept a pistol in pawn. Any person violating this section of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars or imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment in the discretion of the court.

Pistol not accepted in pawn.

**Sec. 11.** No person shall wilfully alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identity of any pistol. Possession of any such firearm upon which the number shall have been altered, removed or obliterated, shall be presumptive evidence that such possessor has altered, removed or obliterated the same. Any person convicted under this section shall be punished by a fine not to exceed five hundred dollars or by imprisonment

Alteration of pistol unlawful.



in the state prison not to exceed two years or by both such fine and imprisonment in the discretion of the court.

Exceptions  
to act.

SEC. 12. The provisions of section two, three, five and nine shall not apply to any peace officer of the state or any subdivision thereof who is regularly employed and paid by the state or such subdivision, or to any member of the army, navy or marine corps of the United States, or of organizations authorized by law to purchase or receive weapons from the United States or from this state, nor to the national guard or other duly authorized military organizations when on duty or drill, nor to the members thereof in going to or returning from their customary places of assembly or practice, nor to a person licensed to carry a pistol concealed upon his person issued by another state, nor to the regular and ordinary transportation of pistols as merchandise, or to any person while carrying a pistol unloaded in a wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business, or in moving goods from one place of abode or business to another.

When un-  
lawfully  
possessed.

SEC. 13. When complaint shall be made on oath to any magistrate authorized to issue warrants in criminal cases that any pistol or other weapon or device mentioned in this act is unlawfully possessed or carried by any person, such magistrate shall, if he be satisfied that there is reasonable cause to believe the matters in said complaint be true, issue his warrant directed to any peace officer, commanding him to search the person or place described in such complaint, and if such pistol, weapon or device be there found; to seize and hold the same as evidence of a violation of this act.

Forfeited to  
state.

SEC. 14. All pistols, weapons or devices carried or possessed contrary to this act are hereby declared forfeited to the state.

Certain  
books, etc.,  
unlawful to  
sell, etc.

SEC. 15. It shall be unlawful to sell or deliver within this state, or to offer or expose for sale, or to have in possession for the purpose of sale, any book, pamphlet, circular, magazine, newspaper or other form of written or printed matter offering to sell or deliver, or containing an offer to sell or deliver to any person within this state from any place without this state any pistol or any weapon or device mentioned in section three hereof. The provisions of this section shall not apply to sales of or offers to sell pistols at wholesale to persons regularly engaged in the business of selling such pistols at wholesale or retail, nor to sales or offers to sell such pistols made or authorized by the United States government or any department or agency thereof.

Penalty for  
violation.

SEC. 16. Any person violating the provisions of section fifteen of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed one hundred dollars or by imprisonment in the county jail not to exceed ninety days, or by both such fine and imprisonment in the discretion of the court.

Sec. 17. Act number two hundred seventy-four of the public acts of nineteen hundred eleven, being sections fifteen thousand two hundred thirty-six, fifteen thousand two hundred thirty-seven, fifteen thousand two hundred thirty-eight, fifteen thousand two hundred thirty-nine, fifteen thousand two hundred forty, fifteen thousand two hundred forty-one, fifteen thousand two hundred forty-two, fifteen thousand two hundred forty-three, fifteen thousand two hundred forty-four, fifteen thousand two hundred forty-five and fifteen thousand two hundred forty-six of the compiled laws of nineteen hundred fifteen; act number three hundred thirteen of the public acts of nineteen hundred twenty-five; and section sixteen of chapter one hundred sixty-two of the revised statutes of eighteen hundred forty-six, being section fifteen thousand six hundred forty-one of the compiled laws of nineteen hundred fifteen, are hereby repealed: *Provided, however,* That any proceedings pending under any of said sections herein repealed shall not be affected hereby but shall be concluded in accordance with the law of such repealed section or sections.

Acts repealed.

Proviso.

Sec. 18. This act is declared to be severable, and should any section hereof be hereafter declared unconstitutional or otherwise invalid, the remainder of the act shall not be affected thereby.

Saving clause.

Approved June 2, 1927.

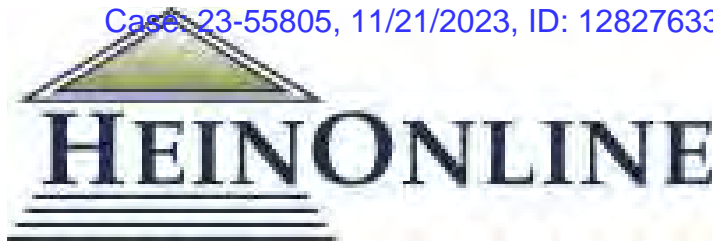
[No. 373.]

AN ACT to amend section twenty-five of chapter thirty of act number three hundred fourteen of the public acts of nineteen hundred fifteen, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms of civil actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," being section thirteen thousand two hundred fifty-three of the compiled laws of nineteen hundred fifteen, as amended by act number two hundred forty-three of the public acts of nineteen hundred seventeen, and to add a new section there-to to stand as section thirty-one.

*The People of the State of Michigan enact:*

SECTION 1. Section twenty-five of chapter thirty of act number three hundred fourteen of the public acts of nineteen

Section amended.



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Citations:

Bluebook 21st ed.  
1927 256 .

ALWD 7th ed.  
, , 1927 256 .

Chicago 17th ed.  
", " Rhode Island - General Assembly, January Session : 256-262

AGLC 4th ed.  
" Rhode Island - General Assembly, January Session 256

OSCOLA 4th ed.  
" 1927 256

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## 256      JANUARY SESSION, 1927—CHAPTER 1052.

## CHAPTER 1052.

H 729 A  
Approved  
April 22, 1927.

## AN ACT TO REGULATE THE POSSESSION OF FIREARMS.

*It is enacted by the General Assembly as follows:*

Certain words  
and phrases,  
how construed:

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

"Pistol."

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

"Machine gun."

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

"Firearm."

"Firearm" shall include any machine gun or pistol.

"Person."

"Person" shall include firm, association or corporation.

"Licensing authorities."

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

"Crime of violence."

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

"Sell."

"Sell" shall include let or hire, give, lend and transfer, and the word "purchase" shall include hire, accept

"Purchase."

and borrow, and the expression "purchasing" shall be

"Purchasing."

construed accordingly."

## JANUARY SESSION, 1927—CHAPTER 1052. 257

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

Additional punishment under this act.

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

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

Who to be denied firearms.

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

Carrying of pistol forbidden, except when.

Machine gun.

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

Sec. 4 not to apply to whom.

## 258 JANUARY SESSION, 1927—CHAPTER 1052.

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

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

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

License, form of.

Triplicate license, how disposed of.

Fee for license.

Applicant for license to give bond.

## JANUARY SESSION, 1927—CHAPTER 1052. 259

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

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

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

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

Muffler or silencer for firearm forbidden.

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

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

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

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

## 260 JANUARY SESSION, 1927—CHAPTER 1052.

taken from any person, they shall be surrendered to the chief or superintendent of police in the city or town in which they are taken, or to the town sergeant of such town where there is no chief of police or superintendent. The officer to whom they are surrendered shall, except upon a certificate of a justice of the superior court or the attorney-general that the non-destruction thereof is necessary or proper to the ends of justice, proceed to destroy all such firearms at stated intervals of not more than one year. Provided, however, that if any such firearm shall be found to be the property of an innocent owner, it shall be returned to such owner if and when no longer needed for purposes of evidence.

Giving of false information, etc., forbidden.

SEC. 11. No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

Mark of identification not to be removed from firearm.

SEC. 12. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

\*This act not to apply to antique firearms.

SEC. 13. This act shall not apply to antique firearms unsuitable for use nor to collections of firearms as curios, souvenirs, or for educational, scientific or any similar purposes without intent to use such firearms.

Penalties for violation of the provisions of this act.

SEC. 14. Any violation of any provision of this act shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than five years, or by both such fine and imprisonment.



## JANUARY SESSION, 1927—CHAPTER 1052. 261

SEC. 15. No negative allegation of any kind need be averred or proved in any complaint under this act and the carrying or use of any firearm contrary to the provisions of this act shall be evidence that the possession, carrying or use of any such firearm is unlawful, but the respondent in any such case may show any fact that would render the possession, or use, or carrying of such firearm lawful.

Negative allegation need not be averred, etc.

SEC. 16. Every officer authorized to make an arrest may without complaint and warrant arrest any person who has in his possession any firearm whenever such officer has reasonable ground to suspect that such person possesses or is using or is carrying such firearm contrary to law. Any person so arrested may be detained a reasonable time, not exceeding twenty-four hours, for the purpose of making an investigation concerning such person, but no person so arrested shall be detained longer than twenty-four hours without complaint being made against him before some proper court or justice. If the officer making the arrest shall at any time within the said twenty-four hours satisfy himself that there is no ground for making a criminal complaint against such person, he shall thereupon be discharged from custody.

Officer may arrest without complaint and warrant.

Person arrested may be detained not exceeding 24 hours.

SEC. 17. In the case of the conviction under this act of a person who is not a citizen of the United States, it shall be the duty of the clerk of the court in which such conviction is secured to certify the fact of such conviction to the proper officer of the United States government having supervision of the deportation of aliens.

Conviction of alien to be certified to U. S. officer in charge of deportation.

SEC. 18. The provisions and penalties prescribed in this act shall take the place of the provisions and penalties of sections thirty-two to thirty-five inclusive of chapter 401 of the general laws in so far as such pro-

Provisions and penalties of this act to be substituted for certain others provided by law.

262 JANUARY SESSION, 1927—CHAPTER 1053.

visions and penalties of said sections of said chapter 401 relate to the possession and carrying of air guns, pistols or firearms of any description, and upon the passage of this act said provisions and penalties of said sections in so far as they relate to air guns, pistols and firearms shall be repealed.

Certain pending legal proceedings not affected by this act.

SEC. 19. No offense committed, or forfeiture incurred, under any law hereby amended and before the time when this act goes into effect, and no suit, prosecution or indictment pending at the time when this act goes into effect, for any offence committed or for the recovery of any fine or penalty or forfeiture incurred under any law hereby amended, shall be affected by the passage of this act, but, proceedings relating to the same shall be taken and continued as if this act had not been passed.

This act, how cited.

SEC. 20. This act shall take effect upon its passage and may be cited as the Firearms Act.

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CHAPTER 1053.

H 779  
Approved  
April 22, 1927.

AN ACT IN AMENDMENT OF SECTION 17 OF CHAPTER 98 OF THE GENERAL LAWS, ENTITLED "MOTOR VEHICLES AND THE OPERATION THEREOF."

*It is enacted by the General Assembly as follows:*

Section 1. Section 17 of chapter 98 of the general laws, entitled "Motor vehicles and the operation thereof," is hereby amended so as to read as follows:

Rules of the road for operation of motor vehicle.

"Sec. 17. Upon approaching any person standing or walking in the traveled portion of any public highway, or a horse or any other draft animal being led, ridden or driven therein, or a crossing of intersecting public highways, or a bridge, or a sharp turn, or a curve, or a steep descent, and also in passing such



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Citations:

Bluebook 21st ed.

To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes., Public Law 72-275 / Chapter 465, 72 Congress. 47 Stat. 650 (1922-1933) (1932).

ALWD 7th ed.

To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes., Public Law 72-275 / Chapter 465, 72 Congress. 47 Stat. 650 (1922-1933) (1932).

APA 7th ed.

To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes., Public Law 72-275 Chapter 465, 72 Congress. 47 Stat. 650 (1922-1933) (1932).

Chicago 17th ed.

"Public Law 72-275 / Chapter 465, 72 Congress, Session 1, An Act: To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes.," U.S. Statutes at Large 47 (1932): 650-654

McGill Guide 9th ed.

To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes., Public Law 72-275 / Chapter 465, 72 Congress. 47 Stat. 650 (1922-1933) (1932).

AGLC 4th ed.

To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes., Public Law 72-275 / Chapter 465, 72 Congress. 47 Stat. 650 (1922-1933) (1932)

MLA 9th ed.

To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes., Public Law 72-275 / Chapter 465, 72 Congress. 47 Stat. 650 (1922-1933) (1932). HeinOnline.

OSCOLA 4th ed.

To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes., Public Law 72-275 / Chapter 465, 72 Congress. 47 Stat. 650 (1922-1933) (1932).

650

72d CONGRESS. SESS. I. CHS. 464, 465. JULY 8, 1932.

Punishment for.  
Precise.  
Jurisdiction.

States, for the purpose of having such communication delivered by the post-office establishment of such foreign country to the post-office establishment of the United States and by it delivered to such addressee in the United States, and as a result thereof such communication is delivered by the post-office establishment of such foreign country to the post-office establishment of the United States and by it delivered to the address to which it is directed in the United States, then such person shall be punished in the same manner and to the same extent as provided in section 1 of this Act: *Provided*, That any person violating this section may be prosecuted either in the district into which such letter or other communication was carried by the United States mail for delivery according to the direction thereon, or in which it was caused to be delivered by the United States mail to the person to whom it was addressed.

Approved, July 8, 1932.

[CHAPTER 465.]

AN ACT

July 8, 1932.  
[H. R. 8754.]  
[Public, No. 275.]

To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes.

Unauthorized use,  
etc., of pistols and other  
dangerous weapons in  
District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Definitions.

DEFINITIONS

"Pistol."  
"Sawed-off shot-  
gun."  
"Machine gun."

SECTION 1. "Pistol," as used in this Act, means any firearm with a barrel less than twelve inches in length.

"Sawed-off shotgun," as used in this Act, means any shotgun with a barrel less than twenty inches in length.

"Machine gun," as used in this Act, means any firearm which shoots automatically or semiautomatically more than twelve shots without reloading.

"Person."  
"Sell" and "pur-  
chase," etc.

"Person," as used in this Act, includes, individual, firm, association, or corporation.

"Sell" and "purchase" and the various derivatives of such words, as used in this Act, shall be construed to include letting on hire, giving, lending, borrowing, and otherwise transferring.

"Crime of violence."

"Crime of violence" as used in this Act, means any of the following crimes, or an attempt to commit any of the same, namely: Murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, housebreaking, larceny, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

COMMITTING CRIME WHEN ARMED

Committing crime of  
violence when armed.  
Punishment for.

SEC. 2. If any person shall commit a crime of violence in the District of Columbia when armed with or having readily available any pistol or other firearm, he may, in addition to the punishment provided for the crime, be punished by imprisonment for a term of not more than five years; upon a second conviction for a crime of violence so committed he may, in addition to the punishment provided for the crime, be punished by imprisonment for a term of not more than ten years; upon a third conviction for a crime of violence so committed he may, in addition to the punishment provided for the

crime, be punished by imprisonment for a term of not more than fifteen years; upon a fourth or subsequent conviction for a crime of violence so committed he may, in addition to the punishment provided for the crime, be punished by imprisonment for an additional period of not more than thirty years.

PERSONS FORBIDDEN TO POSSESS CERTAIN FIREARMS

Persons forbidden to possess certain firearms.  
Convicted of a crime.

SEC. 3. No person who has been convicted in the District of Columbia or elsewhere of a crime of violence shall own or have in his possession a pistol, within the District of Columbia.

CARRYING CONCEALED WEAPONS

SEC. 4. No person shall within the District of Columbia carry concealed on or about his person, except in his dwelling house or place of business or on other land possessed by him, a pistol, without a license therefor issued as hereinafter provided, or any deadly or dangerous weapon.

Illegally carrying, etc., dangerous weapon.

EXCEPTIONS

Exceptions.

SEC. 5. The provisions of the preceding section shall not apply to marshals, sheriffs, prison or jail wardens, or their deputies, policemen or other duly appointed law-enforcement officers, or to members of the Army, Navy, or Marine Corps of the United States or of the National Guard or Organized Reserves when on duty, or to the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States, provided such members are at or are going to or from their places of assembly or target practice, or to officers or employees of the United States duly authorized to carry a concealed pistol, or to any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person having in his possession, using, or carrying a pistol in the usual or ordinary course of such business or to any person while carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business or in moving goods from one place of abode or business to another.

Law enforcement officers.  
Army, Navy, or Marine Corps.  
National Guard, etc., on duty.  
Other organizations.  
Carrying to places of assembly, etc.  
Manufacturer, etc.

ISSUE OF LICENSES TO CARRY

SEC. 6. The superintendent of police of the District of Columbia may, upon the application of any person having a bona fide residence or place of business within the District of Columbia or of any person having a bona fide residence or place of business within the United States and a license to carry a pistol concealed upon his person issued by the lawful authorities of any State or subdivision of the United States, issue a license to such person to carry a pistol within the District of Columbia for not more than one year from date of issue, if it appears that the applicant has good reason to fear injury to his person or property or has any other proper reason for carrying a pistol and that he is a suitable person to be so licensed. The license shall be in duplicate, in form to be prescribed by the Commissioners of the District of Columbia and shall bear the name, address, description, photograph, and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, and the duplicate shall be retained by the superintendent of police of the District of Columbia and preserved in his office for six years.

Licenses.

652

72d CONGRESS. SESS. I. CH. 465. JULY 8, 1932.

## SELLING TO MINORS AND OTHERS

Selling to minors or others.

SEC. 7. No person shall within the District of Columbia sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is a drug addict, or is a person who has been convicted in the District of Columbia or elsewhere of a crime of violence or, except when the relation of parent and child or guardian and ward exists, is under the age of eighteen years.

## TRANSFERS REGULATED

Time, etc., provisions.

Register to be kept.

Limitation.

Wholesale trade.

SEC. 8. No seller shall within the District of Columbia deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, except in the case of sales to marshals, sheriffs, prison or jail wardens or their deputies, policemen, or other duly appointed law-enforcement officers, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in the District of Columbia or elsewhere of a crime of violence. The seller shall, within six hours after such application, sign and attach his address and deliver one copy to such person or persons as the superintendent of police of the District of Columbia may designate, and shall retain the other copy for six years. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 14 hereof as entitled to possess the same, and then only after permission to make such sale has been obtained from the superintendent of police of the District of Columbia. This section shall not apply to sales at wholesale to licensed dealers.

## DEALERS TO BE LICENSED

Dealers to be licensed.

SEC. 9. No retail dealer shall within the District of Columbia sell or expose for sale or have in his possession with intent to sell, any pistol, machine gun, sawed-off shotgun, or blackjack without being licensed as hereinafter provided. No wholesale dealer shall, within the District of Columbia, sell, or have in his possession with intent to sell, to any person other than a licensed dealer, any pistol, machine gun, sawed-off shotgun, or blackjack.

## DEALERS' LICENSES, BY WHOM GRANTED AND CONDITIONS THEREOF

Conditions, etc., for issuing dealers' licenses. Ante, p. 558.

SEC. 10. The Commissioners of the District of Columbia may, in their discretion, grant licenses and may prescribe the form thereof, effective for not more than one year from date of issue, permitting the licensee to sell pistols, machine guns, sawed-off shotguns, and blackjacks at retail within the District of Columbia subject to the following conditions in addition to those specified in section 9 hereof, for breach of any of which the license shall be subject to forfeiture and the licensee subject to punishment as provided in this Act.

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily read.

72d CONGRESS. SESS. I. CH. 465. JULY 8, 1932.

653

3. No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is a drug addict or has been convicted in the District of Columbia or elsewhere of a crime of violence or is under the age of eighteen years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 14 hereof as entitled to possess the same, and then only after permission to make such sale has been obtained from the superintendent of police of the District of Columbia.

4. A true record shall be made in a book kept for the purpose, the form of which may be prescribed by the Commissioners, of all pistols, machine guns, and sawed-off shotguns in the possession of the licensee, which said record shall contain the date of purchase, the caliber, make, model, and manufacturer's number of the weapon, to which shall be added, when sold, the date of sale.

Records.

5. A true record in duplicate shall be made of every pistol, machine gun, sawed-off shotgun, and blackjack sold, said record to be made in a book kept for the purpose, the form of which may be prescribed by the Commissioners of the District of Columbia and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other and shall contain the date of sale, the name, address, occupation, color, and place of birth of the purchaser, and, so far as applicable, the caliber, make, model, and manufacturer's number of the weapon, and a statement signed by the purchaser that he has never been convicted in the District of Columbia or elsewhere of a crime of violence. One copy of said record shall, within seven days, be forwarded by mail to the superintendent of police of the District of Columbia and the other copy retained by the seller for six years.

6. No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of said premises where it can readily be seen from the outside. No license to sell at retail shall be granted to anyone except as provided in this section.

Display, etc., forbidden.

## FALSE INFORMATION FORBIDDEN

SEC. 11. No person, shall, in purchasing a pistol or in applying for a license to carry the same, or in purchasing a machine gun, sawed-off shotgun, or blackjack within the District of Columbia, give false information or offer false evidence of his identity.

False information or evidence forbidden.

## ALTERATION OF IDENTIFYING MARKS PROHIBITED

SEC. 12. No person shall within the District of Columbia change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same within the District of Columbia: *Provided, however,* That nothing contained in this section shall apply to any officer or agent of any of the departments of the United States or the District of Columbia engaged in experimental work.

Alteration, etc., of identification marks, prohibited.

*Provided.*  
Experimental work.

## EXCEPTIONS

SEC. 13. This Act shall not apply to toy or antique pistols unsuitable for use as firearms.

Toys, etc., excepted.

654

72d CONGRESS. SESS. I. CHS. 465, 466. JULY 8, 1932.

## POSSESSION OF CERTAIN DANGEROUS WEAPONS

Possession of certain dangerous weapons forbidden.

*Proviso.*  
Exceptions.

SEC. 14. No person shall within the District of Columbia possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, slung shot, sand club, sandbag, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms: *Provided, however,* That machine guns, or sawed-off shotguns, and blackjacks may be possessed by the members of the Army, Navy, or Marine Corps of the United States, the National Guard, or Organized Reserves when on duty, the Post Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly appointed law-enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money, securities, or other valuables, wholesale dealers and retail dealers licensed under section 10 of this Act.

## PENALTIES

Punishment for violations.

SEC. 15. Any violation of any provision of this Act for which no penalty is specifically provided shall be punished by a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

## CONSTITUTIONALITY

Invalidity of any provision not to affect remainder.

SEC. 16. If any part of this Act is for any reason declared void, such invalidity shall not affect the validity of the remaining portions of this Act.

## CERTAIN ACTS REPEALED

Vol. 31, p. 1328, repealed.

SEC. 17. The following sections of the Code of Law for the District of Columbia, 1919, namely, sections 855, 856, and 857, and all other Acts or parts of Acts inconsistent herewith, are hereby repealed.

Approved, July 8, 1932.

[CHAPTER 466.]

## JOINT RESOLUTION

July 8, 1932.  
[H. J. Res. 462.]  
[Pub. Res., No. 35.]

Making an appropriation to provide transportation to their homes for veterans of the World War temporarily quartered in the District of Columbia.

World War veterans. Appropriation for, to provide transportation from District of Columbia to their homes. *Post*, p. 701.*Proviso.*  
Credited as a loan.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That to enable the Administrator of Veterans' Affairs, upon the request of any honorably discharged veteran of the World War, temporarily quartered in the District of Columbia, who is desirous of returning to his home, to provide such veteran with railroad transportation thereto prior to July 15, 1932, together with travel subsistence at the rate of 75 cents per day, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000: *Provided,* That all amounts expended under this appropriation in behalf of any veteran shall constitute a loan without interest which, if not repaid to the United States, shall be deducted from any amounts payable to such veteran on his adjusted-service certificate.

Approved, July 8, 1932.





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THE STATE OF OHIO  
**LEGISLATIVE ACTS**

PASSED  
(EXCEPTING APPROPRIATION ACTS)

AND

**JOINT RESOLUTIONS**

ADOPTED

BY THE

NINETIETH GENERAL ASSEMBLY OF OHIO

At Its Regular Session

BEGUN AND HELD IN THE CITY OF COLUMBUS, OHIO,  
JANUARY 2, 1933 to JULY 10, 1933,  
(both inclusive)

Also the Times for Holding the Courts of Appeals,  
and Courts of Common Pleas in Ohio,  
A. D. 1933.

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VOLUME CXV

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Columbus, Ohio  
THE F. J. HEER PRINTING CO.  
1933  
Bound at State Bindery

189

Passed March 30, 1933.

Approved April 6, 1933.

GEORGE WHITE,  
*Governor.*

The sectional number herein is in conformity to the General Code.

JOHN W. BRICKER,  
*Attorney General.*

Filed in the office of the Secretary of State at Columbus, Ohio, on  
the 10th day of April, A. D. 1933.

GEORGE S. MYERS,  
*Secretary of State.*

File No. 63.

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(House Bill No. 166)

### AN ACT

To supplement section 12819 of the General Code by the enactment of  
supplemental sections 12819-3, 12819-4, 12819-5, 12819-6 and  
12819-7, relative to the sale and possession of machine guns.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That section 12819 of the General Code be supplemented by the enactment of sections 12819-3, 12819-4, 12819-5, 12819-6 and 12819-7, to read as follows:

#### **Definitions.**

Sec. 12819-3. For the purpose of this act, a machine gun, a light machine gun or a sub-machine gun shall be defined as any firearm which shoots automatically, or any firearm which shoots more than eighteen shots semi-automatically without reloading. Automatically as above used means that class of firearms which, while the trigger on the firearm is held back continues to fire successive shots. Semi-automatically means that class of firearm which discharges one shot only each time the trigger is pulled, no manual reloading operation being necessary between shots.

#### **Machine gun permit; application; bond of applicant; exceptions.**

Sec. 12819-4. No person shall own, possess, transport, have custody of or use a machine gun, light machine gun or sub-machine gun, unless he first procures a permit therefor from and at the discretion of the

adjutant general of Ohio, who shall keep a complete record of each permit so issued. A separate permit shall be obtained for each gun so owned, possessed or used. The adjutant general shall require each applicant for such permit to give an accurate description of such weapon, the name of the person from whom it was or is to be obtained, the name of the person or persons to have custody thereof and the place of residence of the applicant and the custodian. Before obtaining such permit each applicant shall give bond to the state of Ohio, to be approved by the adjutant general in the sum of five thousand dollars, conditioned to save the public harmless by reason of any unlawful use of such weapon while under the control of such applicant or under the control of another with his consent; and any person injured by such improper use may have recourse on said bond. Provided, however, that this section shall not affect the right of the national guard of Ohio, sheriffs, regularly appointed police officers of incorporated cities and villages, regularly elected constables, wardens and guards of penitentiaries, jails, prisons, penal institutions or financial institutions maintaining their own police force and such special officers as are now or may be hereafter authorized by law to possess and use such weapons when on duty. Any person who owns, possesses or has custody of a machine gun, light machine gun or sub-machine gun at the time when this section shall become effective, shall have thirty days thereafter in which to comply with the provisions of this section.

**Penalty for possession, transportation, etc., without permit.**

Sec. 12819-5. Whoever owns, possesses, transports or has custody of or uses a machine gun, light machine gun or sub-machine gun without a permit, as provided by section 12819-4 of the General Code, or whoever having such permit, uses or consents to the use by another of such weapon in an unlawful manner, shall be guilty of a felony and upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than ten years.

**Requirements for sale, etc.; penalty for violation.**

Sec. 12819-6. Whoever sells, barter or gives to another a machine gun, light machine gun or sub-machine gun, shall first require exhibition of the permit provided by section 12819-4 of the General Code, and shall use the information contained in such permit to make a complete record of such transaction, containing the date of the permit and of the transfer together with the names of the parties thereto, which record shall be preserved by such transferor for a period of five years. Whoever violates this section shall, upon conviction, be imprisoned in the penitentiary not less than one or more than five years. This section shall not apply to the barter or sale of machine guns, light machine guns or sub-machine guns to those not required by section 12819-4 of the General Code to procure such permit.

**War trophies excepted.**

Sec. 12819-7. This act shall not apply to captured war trophies

191

which are kept for museum purposes and which are in unserviceable condition.

FRANK CAVE,  
*Speaker of the House of Representatives.*

CHARLES SAWYER,  
*President of the Senate.*

Passed March 30, 1933.

Approved April 8, 1933.

GEORGE WHITE,  
*Governor.*

The sectional numbers herein are in conformity to the General Code.

JOHN W. BRICKER,  
*Attorney General.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the 10th day of April, A. D. 1933.

GEORGE S. MYERS,  
*Secretary of State.*

File No. 64.

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(House Bill No. 331)

AN ACT

To amend section 2750 of the General Code, relative to the term of office of the county recorder and to adjust existing terms in accordance with such amendment.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That section 2750 of the General Code be amended to read as follows:

**County recorder, election and term.**

Sec. 2750. \*\*\* There shall be elected in each county, at the regular election in \*\*\* 1936, and \*\*\* quadrennially thereafter, a county recorder who shall assume office on the first Monday in January next after his election and who shall hold said office for a period of \*\*\* four years.

**Repeal.**

SECTION 2. That existing section 2750 of the General Code be, and the same is hereby repealed.

# **NATIONAL FIREARMS ACT OF 1934**

**48 STAT. 1236**

1236

73d CONGRESS. SESS. II. CHS. 756, 757. JUNE 26, 1934.

- Advances for land surveys.  
U.S.C., title 43, sec. 863.
- Moneys in U.S. court registries.
- Survey of certain accounts to be made by Comptroller General.
- Report to Congress.
- Existing provisions not affected.
- Saving clause.
- Short title.
- available to pay claims on account of any check, the amount of which has been included in any balance so covered into the surplus fund.
- SEC. 22. So much of the Act of August 18, 1894 (U.S.C., title 43, sec. 863), as authorizes the Governors of the States therein named to advance money from time to time for the survey of certain townships located within such States, which money shall be reimbursable, is hereby repealed.
- SEC. 23. Moneys in, or payable into, the registry of any United States court, in the discretion of the court, may be deposited in official checking accounts with the Treasurer of the United States, subject to disbursement on order approved by the court.
- SEC. 24. The Comptroller General of the United States shall cause a survey to be made of all inactive and permanent appropriations and/or funds on the books of the Government and also funds in the official custody of officers and employees of the United States, in which the Government is financially concerned, for which no accounting is rendered to the General Accounting Office; and he shall submit to the Congress annually, in a special report, his recommendations for such changes in existing law relating thereto as, in his judgment, may be in the public interest.
- SEC. 25. The provisions of this Act shall not be construed to alter or amend any existing authorization for an appropriation.
- SEC. 26. All Acts and/or parts of Acts inconsistent or in conflict with the provisions of this Act are hereby repealed to the extent of such inconsistency or conflict.
- SEC. 27. The short title of this Act shall be the "Permanent Appropriation Repeal Act, 1934."
- Approved, June 26, 1934.

## [CHAPTER 757.]

## AN ACT

June 26, 1934.  
[H. R. 9741.]  
[Public, No. 474.]

To provide for the taxation of manufacturers, importers, and dealers in certain firearms and machine guns, to tax the sale or other disposal of such weapons, and to restrict importation and regulate interstate transportation thereof.

National Firearms Act.  
Limitation of terms for purposes of Act.  
"Firearm."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purposes of this Act—

- (a) The term "firearm" means a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition.
- "Machine gun."  
(b) The term "machine gun" means any weapon which shoots, or is designed to shoot, automatically or semiautomatically, more than one shot, without manual reloading, by a single function of the trigger.
- "Person."  
(c) The term "person" includes a partnership, company, association, or corporation, as well as a natural person.
- "Continental United States."  
(d) The term "continental United States" means the States of the United States and the District of Columbia.
- "Importer."  
(e) The term "importer" means any person who imports or brings firearms into the continental United States for sale.
- "Manufacturer."  
(f) The term "manufacturer" means any person who is engaged within the continental United States in the manufacture of firearms, or who otherwise produces therein any firearm for sale or disposition.

73d CONGRESS. SESS. II. CH. 757. JUNE 26, 1934.

1237

(g) The term "dealer" means any person not a manufacturer or importer engaged within the continental United States in the business of selling firearms. The term "dealer" shall include wholesalers, pawnbrokers, and dealers in used firearms.

"Dealer."

Exceptions.

(h) The term "interstate commerce" means transportation from any State or Territory or District, or any insular possession of the United States (including the Philippine Islands), to any other State or to the District of Columbia.

"Interstate commerce."

(i) The term "Commissioner" means the Commissioner of Internal Revenue.

"Commissioner."

(j) The term "Secretary" means the Secretary of the Treasury.

"Secretary."

(k) The term "to transfer" or "transferred" shall include to sell, assign, pledge, lease, loan, give away, or otherwise dispose of.

"To transfer" or "transferred."

SEC. 2. (a) Within fifteen days after the effective date of this Act, or upon first engaging in business, and thereafter on or before the 1st day of July of each year, every importer, manufacturer, and dealer in firearms shall register with the collector of internal revenue for each district in which such business is to be carried on his name or style, principal place of business, and places of business in such district, and pay a special tax at the following rates: Importers or manufacturers, \$500 a year; dealers, other than pawnbrokers, \$200 a year; pawnbrokers, \$300 a year. Where the tax is payable on the 1st day of July in any year it shall be computed for one year; where the tax is payable on any other day it shall be computed proportionately from the 1st day of the month in which the liability to the tax accrued to the 1st day of July following.

Registration requirements.

Taxes.

Fractional parts of year.

(b) It shall be unlawful for any person required to register under the provisions of this section to import, manufacture, or deal in firearms without having registered and paid the tax imposed by this section.

Failure to register and pay tax unlawful.

SEC. 3. (a) There shall be levied, collected, and paid upon firearms transferred in the continental United States a tax at the rate of \$200 for each firearm, such tax to be paid by the transferor, and to be represented by appropriate stamps to be provided by the Commissioner, with the approval of the Secretary; and the stamps herein provided shall be affixed to the order for such firearm, hereinafter provided for. The tax imposed by this section shall be in addition to any import duty imposed on such firearm.

Transfer tax; stamps.

(b) All provisions of law (including those relating to special taxes, to the assessment, collection, remission, and refund of internal revenue taxes, to the engraving, issuance, sale, accountability, cancellation, and distribution of tax-paid stamps provided for in the internal-revenue laws, and to penalties) applicable with respect to the taxes imposed by section 1 of the Act of December 17, 1914, as amended (U.S.C., Supp. VII, title 26, secs. 1040 and 1383), and all other provisions of the internal-revenue laws shall, insofar as not inconsistent with the provisions of this Act, be applicable with respect to the taxes imposed by this Act.

Applicable administrative provisions of narcotic tax law to govern.

Vol. 38, p. 785; Vol. 44, p. 92. U.S.C., Supp. VII, pp. 592, 644.

(c) Under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe, and upon proof of the exportation of any firearm to any foreign country (whether exported as part of another article or not) with respect to which the transfer tax under this section has been paid by the manufacturer, the Commissioner shall refund to the manufacturer the amount of the tax so paid, or, if the manufacturer waives all claim for the amount to be refunded, the refund shall be made to the exporter.

Refund, if for exportation.

SEC. 4. (a) It shall be unlawful for any person to transfer a firearm except in pursuance of a written order from the person seeking to obtain such article, on an application form issued in

Unlawful transfers.



1238

73d CONGRESS. SESS. II. CH. 757. JUNE 26, 1934.

- blank in duplicate for that purpose by the Commissioner. Such order shall identify the applicant by such means of identification as may be prescribed by regulations under this Act: *Provided*, That, if the applicant is an individual, such identification shall include fingerprints and a photograph thereof.
- Proviso.*  
Identification. (b) The Commissioner, with the approval of the Secretary, shall cause suitable forms to be prepared for the purposes above mentioned, and shall cause the same to be distributed to collectors of internal revenue.
- Preparation and distribution of forms. (c) Every person so transferring a firearm shall set forth in each copy of such order the manufacturer's number or other mark identifying such firearm, and shall forward a copy of such order to the Commissioner. The original thereof with stamps affixed, shall be returned to the applicant.
- Identifying marks, etc., to be indicated in orders. (d) No person shall transfer a firearm which has previously been transferred on or after the effective date of this Act, unless such person, in addition to complying with subsection (c), transfers therewith the stamp-affixed order provided for in this section for each such prior transfer, in compliance with such regulations as may be prescribed under this Act for proof of payment of all taxes on such firearms.
- Transferor to transfer stamp-affixed order for each prior transfer. (e) If the transfer of a firearm is exempted from the provisions of this Act as provided in section 13 hereof, the person transferring such firearm shall notify the Commissioner of the name and address of the applicant, the number or other mark identifying such firearm, and the date of its transfer, and shall file with the Commissioner such documents in proof thereof as the Commissioner may by regulations prescribe.
- Notice to Commissioner of transfers exempted. (f) Importers, manufacturers, and dealers who have registered and paid the tax as provided for in section 2(a) of this Act shall not be required to conform to the provisions of this section with respect to transactions in firearms with dealers or manufacturers if such dealers or manufacturers have registered and have paid such tax, but shall keep such records and make such reports regarding such transactions as may be prescribed by regulations under this Act.
- Registered importers, etc. SEC. 5. (a) Within sixty days after the effective date of this Act every person possessing a firearm shall register, with the collector of the district in which he resides, the number or other mark identifying such firearm, together with his name, address, place where such firearm is usually kept, and place of business or employment, and, if such person is other than a natural person, the name and home address of an executive officer thereof: *Provided*, That no person shall be required to register under this section with respect to any firearm acquired after the effective date of, and in conformity with the provisions of, this Act.
- Possessors of firearms to register with collector within 60 days. (b) Whenever on trial for a violation of section 6 hereof the defendant is shown to have or to have had possession of such firearm at any time after such period of sixty days without having registered as required by this section, such possession shall create a presumption that such firearm came into the possession of the defendant subsequent to the effective date of this Act, but this presumption shall not be conclusive.
- Proviso.*  
Acquisitions after effective date need not be registered. SEC. 6. It shall be unlawful for any person to receive or possess any firearm which has at any time been transferred in violation of section 3 or 4 of this Act.
- Prosecutions. Presumption raised by possession. SEC. 7. (a) Any firearm which has at any time been transferred in violation of the provisions of this Act shall be subject to seizure and
- Unlawfully receiving or possessing.
- Seizure and forfeiture.

73d CONGRESS. SESS. II. CH. 757. JUNE 26, 1934.

1239

forfeiture, and (except as provided in subsection (b)) all the provisions of internal-revenue laws relating to searches, seizures, and forfeiture of unstamped articles are extended to and made to apply to the articles taxed under this Act, and the persons to whom this Act applies.

Provisions of internal-revenue laws extended.

(b) In the case of the forfeiture of any firearm by reason of a violation of this Act: No notice of public sale shall be required; no such firearm shall be sold at public sale; if such firearm is in the possession of any officer of the United States except the Secretary, such officer shall deliver the firearm to the Secretary; and the Secretary may order such firearm destroyed or may sell such firearm to any State, Territory, or possession (including the Philippine Islands), or political subdivision thereof, or the District of Columbia, or retain it for the use of the Treasury Department or transfer it without charge to any Executive department or independent establishment of the Government for use by it.

Sale, etc., forbidden.

SEC. 8. (a) Each manufacturer and importer of a firearm shall identify it with a number or other identification mark approved by the Commissioner, such number or mark to be stamped or otherwise placed thereon in a manner approved by the Commissioner.

Disposition of.

Identification marks.

(b) It shall be unlawful for anyone to obliterate, remove, change, or alter such number or other identification mark. Whenever on trial for a violation of this subsection the defendant is shown to have or to have had possession of any firearm upon which such number or mark shall have been obliterated, removed, changed, or altered, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant explains such possession to the satisfaction of the jury.

Obliteration, etc., unlawful.

Possession of, deemed sufficient evidence for conviction.

Exception.

SEC. 9. Importers, manufacturers, and dealers shall keep such books and records and render such returns in relation to the transactions in firearms specified in this Act as the Commissioner, with the approval of the Secretary, may by regulations require.

Importers, manufacturers, etc., required to keep records.

SEC. 10. (a) No firearm shall be imported or brought into the United States or any territory under its control or jurisdiction (including the Philippine Islands), except that, under regulations prescribed by the Secretary, any firearm may be so imported or brought in when (1) the purpose thereof is shown to be lawful and (2) such firearm is unique or of a type which cannot be obtained within the United States or such territory.

Regulation of traffic in firearms in places under control of United States.

(b) It shall be unlawful (1) fraudulently or knowingly to import or bring any firearm into the United States or any territory under its control or jurisdiction (including the Philippine Islands), in violation of the provisions of this Act; or (2) knowingly to assist in so doing; or (3) to receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of any such firearm after being imported or brought in, knowing the same to have been imported or brought in contrary to law. Whenever on trial for a violation of this section the defendant is shown to have or to have had possession of such firearm, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant explains such possession to the satisfaction of the jury.

Unlawful acts. Fraudulent importations, possession, etc.

Receiving, concealing, etc.

Possession deemed sufficient evidence for conviction; exception.

SEC. 11. It shall be unlawful for any person who is required to register as provided in section 5 hereof and who shall not have so registered, or any other person who has not in his possession a stamp-affixed order as provided in section 4 hereof, to ship, carry, or deliver any firearm in interstate commerce.

Transportation in interstate commerce.

1240

73d CONGRESS. SESS. II. CHS. 757, 758. JUNE 26, 1934.

Rules, etc., to be prescribed.

SEC. 12. The Commissioner, with the approval of the Secretary, shall prescribe such rules and regulations as may be necessary for carrying the provisions of this Act into effect.

Transfers, when provisions not applicable.

SEC. 13. This Act shall not apply to the transfer of firearms (1) to the United States Government, any State, Territory, or possession of the United States, or to any political subdivision thereof, or to the District of Columbia; (2) to any peace officer or any Federal officer designated by regulations of the Commissioner; (3) to the transfer of any firearm which is unserviceable and which is transferred as a curiosity or ornament.

Penalty provision.

SEC. 14. Any person who violates or fails to comply with any of the requirements of this Act shall, upon conviction, be fined not more than \$2,000 or be imprisoned for not more than five years, or both, in the discretion of the court.

Excise taxes. Firearms herein defined exempt from. Vol. 44, p. 93; Vol. 47, p. 264. U.S.C., Supp. VII, p. 604.

SEC. 15. The taxes imposed by paragraph (a) of section 600 of the Revenue Act of 1926 (U.S.C., Supp. VII, title 26, sec. 1120) and by section 610 of the Revenue Act of 1932 (47 Stat. 169, 264), shall not apply to any firearm on which the tax provided by section 3 of this Act has been paid.

Saving clause.

SEC. 16. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Effective date.

SEC. 17. This Act shall take effect on the thirtieth day after the date of its enactment.

Citation of title.

SEC. 18. This Act may be cited as the "National Firearms Act." Approved, June 26, 1934.

## [CHAPTER 758.]

## AN ACT

June 26, 1934.  
[H.R. 9769.]  
[Public, No. 475.]

To amend the Act of June 19, 1930 (46 Stat. 788), entitled "An Act providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes."

Choctaw and Chickasaw Indians, Okla. Vol. 46, p. 788. Sales of coal and asphalt deposits authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of June 19, 1930 (46 Stat. 788), entitled "An Act providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes", is hereby amended so as to permit the Secretary of the Interior, in his discretion, to sell under the provisions of said Act the coal and asphalt deposits referred to therein in tracts of less than nine hundred and sixty acres where such smaller tract or acreage adjoins a developed tract on which active mining operations are being conducted and is needed by the operator in further developing the existing mine: *Provided*, That where the sale of such smaller tract or acreage is not deemed advisable, the Secretary of the Interior may in his discretion, lease said tract under the same terms and conditions as developed tracts are leased under the Act of April 21, 1932 (47 Stat. 88), with the exception that the minimum tonnage requirement contained therein is hereby waived as to leases on such small tracts.

Proviso. Leases.

Vol. 47, p. 89. Minimum tonnage requirement waived.

Approved, June 26, 1934.