SECOND SESSION.

THE

ACTS AND RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF FLORIDA,

PASSED AT ITS

SECOND SESSION,

Begun and held at the Capitol, in the City of Tallahassee, on Monday, November 23, 1846, and Ended January 6, 1847.

PUBLISHED BY AUTHORITY OF LAW:
UNDER THE DIRECTION OF THE ATTORNEY GENERAL OF THE STATE.

TALLAHASSEE:
OFFICE OF THE FLORIDIAN:
PRINTED BY SAMUEL S. SIBLEY.
1846.

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lowing manner, and not otherwise, that is to say—In all criminal prosecutions, the Solicitor's fee shall be taxed in the bill of costs and collected by the Sheriff with the other costs of the case, and be by him paid over to the Solicitor: *Provided*, That in all instances where said fee or any part thereof cannot be so collected, and it shall so appear by the return of the Sheriff, then the same shall be a charge upon the Treasury of the State.

Proviso.

SEC. 2. *Be it further enacted*, That all acts or parts of acts conflicting with the provisions of this act, be, and the same are hereby repealed.

Repeal.

[Passed the Senate, December 22, 1846. Passed the House of Representatives, December 26, 1846. Approved, December 29, 1846.]

CHAPTER 75.—[No. 5.]

AN ACT amendatory of the Criminal Laws now in force in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter, if any person shall be convicted, whether upon indictment now pending or hereafter to be presented, of any of the offences, the punishment of which under the provisions of an act approved, February 27th, 1839, entitled, an act to amend an act entitled, an act relating to crimes and misdemeanors, approved, February 10th, 1832, is prescribed to be a fine not exceeding fifteen hundred dollars nor less than two hundred dollars, and imprisonment not exceeding six months, nor less than thirty days, at the discretion of the court, he shall be fined in any sum not exceeding fifteen hundred dollars and not less than ten dollars, and imprisoned for any time not exceeding six months and not less than one month, at the discretion of the court.

Punishment of certain offences.

SEC. 2. *Be it further enacted*, That if any person or persons shall either himself or by his servant, or agent, sell or barter to any slave or slaves, any vinous or spirituous liquors of any description, without an express license in writing from the person having control of said slave or slaves authorising said slave to purchase the same, or buy or barter with any slave or slaves any article whatever, without license as aforesaid, he, she, or they so offending, on conviction thereof before the Circuit court, shall be fined in a sum not less than twenty-five dollars nor more than two hundred dollars, or imprisoned not exceeding three months, at the discretion of the Judge.

Selling liquor to slaves.

Trading with slaves.

SEC. 3. *Be it further enacted*, That hereafter it shall not be lawful for any person in this State to carry arms of any kind whatsoever secretly, on or about their person, and if any dirk, pistol or other arm or weapon, except a common pocket knife, shall be seen or known to be secreted upon the person of any one in this State, such person so offending, shall on conviction, be fined not exceeding five hundred dollars and not less than five dollars, or imprisoned not exceeding six months and not less than ten days, at the discretion of

Carrying arms secretly.

the court: *Provided, however*, That this law shall not be so construed as to prevent any person from carrying arms openly, outside of all their clothes; and it shall be the duty of the Judges of the Circuit courts in this State to give the matter contained in this act in special charge to the Grand Juries in the several counties in this State, at every session of the courts.

SEC. 4. *Be it further enacted*, That all laws or parts of laws, so far as the same conflict with the foregoing section, be and the same are hereby repealed: *Provided, however*, That no conviction or sentence already rendered or pronounced under the acts referred to in the preceding sections, shall be in anywise affected by this act. Repeal.

[Passed the House of Representatives, January 5, 1847. Passed the Senate, January 6, 1847. Approved, January 6, 1847.]

CHAPTER 76.—[No. 6.]

AN ACT relative to Costs in Criminal cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That in all cases of a conviction for crimes or misdemeanors under the laws of this State, the costs of prosecution shall be included and entered up in the judgment rendered against the convicted person, unless the jury trying the cause expressly find otherwise. Costs of prosecution.

SEC. 2. *Be it further enacted*, That in all cases not capital, when it shall be made to appear from due proof made in open court, that the person convicted is wholly unable to pay costs, and that the judgment has in other respects been complied with, the court before which such person was convicted shall have power to discharge him or her without the payment of costs. When party unable to pay costs.

SEC. 3. *Be it further enacted*, That no defendant in a criminal prosecution who shall be acquitted or discharged therefrom, shall be liable for any costs or fees of the court, or of any Justice of the Peace, or any ministerial officer, or for any charge of subsistence while detained in custody. When defendant not liable for costs.

[Passed the House of Representatives, December 19, 1846. Passed the Senate, December 26, 1846. Approved, December 29, 1846.]

CHAPTER 77.—[No. 7.]

AN ACT to amend the several acts relative to proceedings in Chancery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall be the duty of the defendant, unless the time shall be otherwise enlarged for cause shown by a Judge of the court, upon motion for that purpose, to file his plea, demurrer or answer to the bill in the Clerk's office, on the rule day next succeeding that of entering his Plea, demurrer, answer when filed.