

FOURTEENTH SESSION--1865.

THE

ACTS AND RESOLUTIONS

ADOPTED BY THE

General Assembly of Florida,

AT ITS

FOURTEENTH SESSION,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF TALLAHASSEE, ON MONDAY, DECEMBER 18, 1865.

PUBLISHED BY AUTHORITY OF LAW,

UNDER THE DIRECTION OF THE ATTORNEY GENERAL.

TALLAHASSEE:

OFFICE OF THE FLORIDIAN:

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SEC. 14. *Be it further enacted*, That the Judge of said court shall have like power as the Circuit Judge to punish for contempt, and to attach all persons summoned as jurors or witnesses on failure or refusal to obey such summons; and all trials for offences shall be had and conducted at the county seat.

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Contempts.

Location.

SEC. 15. *Be it further enacted*, That the Supreme Court shall prescribe proper forms, rules and regulations of practice for the government of this court, and the same shall be uniform throughout the State.

Passed the House of Representatives January 3d, 1866. Passed the Senate January 5th, 1866. Approved by the Governor January 11th, 1866.

CHAPTER 1,460—[No. 3.]

AN ACT prescribing additional penalties for the commission of offences against the State, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That whenever, in the criminal laws of this State, heretofore enacted, the punishment of the offence is limited to fine and imprisonment, or to fine or imprisonment, there shall be super-added, as an alternative, the punishment of standing in the pillory for one hour, or whipping, not exceeding thirty-nine stripes on the bare back, or both, at the discretion of the jury.

Additional penalties.

SEC. 2. *Be it further enacted*, That the severance from the freehold of any agricultural production or fixture, or any part thereof, and the felonious taking and carrying away the same, shall be deemed and held to be larceny, and be punished as such.

Severance from the freehold.

SEC. 3. *Be it further enacted*, That if any person shall excite an insurrection or sedition amongst any portion or class of the population of this State, or shall attempt by writing, speaking, or by any other means, to excite such insurrection or sedition, the person or persons so offending, shall be deemed to be guilty of a felony, and, upon conviction, shall suffer death.

Persons' exciting insurrection.

SEC. 4. *Be it further enacted*, That if any person, shall administer poison to another, with intent to deprive him or her of life, he, she and their aiders and abettors, shall be deemed to be guilty of a felony, and upon conviction thereof, shall suffer death.

Poisoning.

SEC. 5. *Be it further enacted*, That if any person or persons shall plot, consult or conspire, with intent to murder another, or

Conspiring to murder.

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shall advise the same, the person or persons so plotting, consulting or conspiring, shall be deemed to be guilty of a felony, and upon conviction thereof, shall be fined and imprisoned, or be made to stand in the pillory and be whipped, at the discretion of the jury.

Assault to commit rape.

SEC. 6. *Be it further enacted*, That if any person or persons shall assault a white female, with intent to commit a rape, or be accessory thereto, he or they shall, upon conviction thereof, suffer death.

Burglary.

SEC. 7. *Be it further enacted*, That if any person or persons shall be convicted of the crime of burglary, he or they shall suffer death, or be fined in an amount not exceeding one thousand dollars, and imprisoned not exceeding six months, or be made to stand in the pillory for one hour, and be whipped not exceeding thirty-nine stripes, at the discretion of the jury.

House breaking

SEC. 8. *Be it further enacted*, That if any person or persons shall, in the night time, break and enter into any house or building, not the subject of burglary, or shall, in the day time, break and enter into any mansion or other house, with intent to commit a felony, he, she or they shall, upon conviction, be punished by a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, or by standing in the pillory for one hour; or by whipping, not exceeding thirty-nine stripes, or by both whipping and standing in the pillory, at the discretion of the jury.

Arson.

Burning.

SEC. 9. *Be it further enacted*, That if any person or persons shall willfully and maliciously set fire to or burn any cotton, grain, fodder, hay, or other agricultural product, whether the same be gathered into bulk, or be standing or growing in the field, or shall cause or procure the same to be done, or shall willfully and maliciously set fire to or burn any house or building, not the subject of arson, or any fence or other inclosure, or any bridge, or cause or procure the same to be done, he, she or they shall, upon conviction, be punished by a fine not exceeding one thousand dollars, and by imprisonment not exceeding six months, or by standing in the pillory for one hour, or by whipping, not exceeding thirty-nine stripes, or by both whipping and standing in the pillory, at the discretion of the jury.

Malicious mischief.

SEC. 10. *Be it further enacted*, That every trespass upon the property of another, committed with a malicious and mischievous intent, the punishment of which is not provided for by law, shall be deemed and held to be an act of "malicious mischief," and the party guilty of the same, his, her or their aiders and abettors shall, upon conviction, be punished by a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, or by standing in the pillory for one hour, or by whipping, not exceeding thirty-nine stripes, or by both whipping and standing in the pillory, at the discretion of the jury.

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Purchase of
agricultural
productions.

SEC. 11. *Be it further enacted*, That it shall not be lawful for any person or persons to trade, traffic for or buy, except from the producer thereof, or his authorized agent, any cotton or leaf tobacco, unless the same be baled or boxed in the usual manner, or unless upon the exhibition of some evidence in writing, showing that the producer had parted with his or her interest therein; and any person or persons so offending shall be deemed to be guilty of a misdemeanor, and upon conviction, shall be fined in a sum not exceeding one thousand dollars, and imprisoned not exceeding six months, or be made to stand in the pillory for one hour, or be whipped, not exceeding thirty-nine stripes, or be both made to stand in the pillory and be whipped, at the discretion of the jury.

SEC. 12. *Be it further enacted*, That it shall not be lawful for any negro, mulatto, or other person of color, to own, use or keep in his possession or under his control, any Bowie-knife, dirk, sword, fire-arms or ammunition of any kind, unless he first obtain a license to do so from the Judge of Probate of the county in which he may be a resident for the time being: and the said Judge of Probate is hereby authorized to issue such license, upon the recommendation of two respectable citizens of the county, certifying to the peaceful and orderly character of the applicant; and any negro, mulatto, or other person of color, so offending, shall be deemed to be guilty of a misdemeanor, and upon conviction, shall forfeit to the use of the informer all such fire-arms and ammunition, and in addition thereto, shall be sentenced to stand in the pillory for one hour, or be whipped, not exceeding thirty-nine stripes, or both, at the discretion of the jury.

Negroes having
fire arms or other
weapons.

SEC. 13. *Be it further enacted*, That it shall be the duty of the Judge of Probate to keep an accurate register of all licenses so issued as aforesaid, and at each regular meeting of the Board of County Commissioners, to lay the same before them for their supervision, who shall have power to revoke any licenses which, in their opinion, may have been granted to improper persons.

Register of li-
censes.

SEC. 14. *Be it further enacted*, That if any negro, mulatto, or other person of color, shall intrude himself into any religious or other public assembly of white persons, or into any railroad car or other public vehicle set apart for the exclusive accommodation of white people, he shall be deemed to be guilty of a misdemeanor, and upon conviction, shall be sentenced to stand in the pillory for one hour, or be whipped, not exceeding thirty-nine stripes, or both, at the discretion of the jury; nor shall it be lawful for any white person to intrude himself into any religious or other public assembly of colored persons, or into any railroad car or other public vehicle, set apart for the exclusive accommodation of persons of color, under the same penalties.

Intrusion how
punished.

SEC. 15. *Be it further enacted*, That if any person shall form

Unlawful mili-
tary organiza-
tion.

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any military organization in this State, not authorized by law, or shall participate or aid or abet in the formation of such organization, he shall be deemed to be guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding six months; or shall be made to stand in the pillory for one hour, and be whipped, not exceeding thirty-nine stripes, at the discretion of the jury: *Provided*, That if the person so convicted shall, upon the trial, be proved to have accepted an office in such organization, the penalties herein provided may be increased three-fold, at the discretion of the jury.

Trespass made
a crime.

SEC. 16. *Be it further enacted*, That every person who shall willfully enter into the enclosed land and premises of another, being forbidden to enter therein, or having entered without having been previously forbidden, shall be warned or given notice to depart therefrom, shall refuse to depart, or having departed shall re-enter without the previous consent of the owner, shall be deemed to be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one thousand dollars, or be imprisoned not exceeding six months, or be made to stand in the pillory for one hour and be whipped, not exceeding thirty-nine stripes, at discretion of the jury.

Punishment for
damages to
property of va-
rious kinds.

SEC. 17. *Be it further enacted*, That if any person or persons shall wantonly injure, deface, or disfigure, or destroy any house or building, or any fixture attached thereto, or the inclosure thereof, belonging to the State, or any county, city, town, or to another person or persons, or shall move into any tenant-house or other building belonging to another person, or to any religious or worshipping assembly, without leave from the person or persons in charge, or shall injure any spring, well or water used by any worshipping assembly, or belonging to another person or persons, or shall illegally take possession of any church or school-house, educational or charitable building, or shall sever and carry away from the land, soil or freehold of another, any property or thing attached thereto, or any part thereof, or shall trespass on the lands of another by cutting down or in any manner destroying valuable timber thereon, exceeding one dollar in value, with a view to convert the same to his own use, unless such person or persons be traveling or moving about any road, and by accident or otherwise requires the same for his own immediate use, or shall knowingly and maliciously cut down and destroy valuable timber of another, whether the owner be personally present forbidding the same or not, or shall knowingly or maliciously destroy or carry away the rails or boards, wood or other timber of another, or shall willfully and maliciously break down, mar, deface or otherwise injure any gate, fence, hedge or ditch, inclosing the land of another, or throw down or cut away any fence, mill dam

or dams whatsoever, or shall maliciously cut away, let loose, injure or destroy any raft, boat or other craft or vessel of another, or carry the same from its moorings, or shall maliciously destroy, injure or secrete any goods, chattels or valuable papers of another, or shall enter upon the garden, orchard or improved land of another, and willfully and maliciously sever, destroy or injure the trees, shrubs, grain, grass, hay, fruit or vegetables therebeing; or shall maliciously injure, remove or deface any milestone, post or guide-board, erected on any public way, or post up any false post or sign-board, remove or deface any sign-board, lamp or lamp-post, pavement, side-walk or levee, in any town or city, or any bridge, or any way, street or passage, or extinguish the lamp or light; the person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine not exceeding one thousand dollars, or be imprisoned not exceeding six months, or be put in the pillory for one hour, or be whipped, not exceeding thirty-nine stripes, or be both put in the pillory and whipped, at the discretion of the jury.

SEC. 18. *Be it further enacted*, That if any person shall willfully and maliciously kill by poison or otherwise any horse, mare, gelding, filly, foal, mule, ass, or any other beast or animal belonging to another, or cut off the ear or tail, put out the eye, or otherwise dismember, disfigure or wound any beast or animal belonging to another, or maliciously administer poison to any such animal, or offer or expose to such animal any poisonous substance with intent that the same be taken, he or she shall be deemed to be guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one thousand dollars, or be imprisoned not exceeding six months, or be put in the pillory for one hour and be whipped not exceeding thirty-nine stripes, at the discretion of the jury.

Poisoning or maiming animals belonging to another how punished.

SEC. 19. *Be it further enacted*, That it shall not be lawful for any person to hunt or range with a gun within the enclosed land or premises of another without the permission of the owner, tenant, or person having control thereof; and any person so offending shall be deemed to be guilty of a misdemeanor, and, on conviction, shall be punished as is provided in the last foregoing section.

Persons may not hunt on the premises of another without permission.

SEC. 20. *Be it further enacted*, That if any person shall take, ride, or use any horse, mare, mule, ass, or ox, without the consent of the owner or person in charge thereof, whether the person so taking, riding or using such horse, mare, mule, ass or ox, be in the employ or service of the owner thereof or not, he or she shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished as is provided in the last foregoing section.

Persons may not use the animals of another without permission.

SEC. 21. *Be it further enacted*, That it shall be the duty of the Sheriff, his Deputies, and the Constables in each county to pre-

Duty of Sheriffs and Constables.