

Arkansas Digest

A DIGEST

OF THE

STATUTES OF ARKANSAS;

EMBRACING ALL

LAWS OF A GENERAL AND PERMANENT CHARACTER, IN FORCE AT THE CLOSE OF
THE SESSION OF THE GENERAL ASSEMBLY OF 1856:

TOGETHER

WITH NOTES OF THE DECISIONS OF THE SUPREME COURT UPON THE
STATUTES, AND AN APPENDIX CONTAINING FORMS
FOR JUSTICES OF THE PEACE.

BY

JOSIAH GOULD.

EXAMINED AND APPROVED BY,

HON. GEORGE C. WATKINS.

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or other persons in arms, to disperse such assembly, arrest the offenders, and maintain the authority of the law.

SEC. 5. All militia officers and others, who shall be summoned under the provisions of this act, shall give prompt obedience to such officer.

SEC. 6. Every person who shall take, or keep possession of any real estate by actual force or violence, without the authority of law, or who being armed with a deadly or dangerous weapon, shall by violence to any person entitled to the possession, or by putting in fear of immediate danger to his person, obtain or keep possession of any such real estate or property, without legal authority, shall on conviction be adjudged guilty of a misdemeanor, and be fined not less than fifty dollars, and be imprisoned not exceeding one year.

SEC. 7. If any person shall commit any act, injurious to the public health or public morals, or to the perversion or obstruction of public justice, or the due administration of the laws, he shall be deemed guilty of a misdemeanor.

SEC. 8. If two or more persons shall agree and conspire to commit any felony, and make some advance thereto, without committing the felony, they shall be deemed guilty of a misdemeanor.

SEC. 9. If two or more conspire to cheat any person out of any money or other property by false pretences or false tokens, and make some advance thereto, they shall be deemed guilty of a misdemeanor.

SEC. 10. If one or more persons shall contrive and intend to have any person indicted, on any false criminal charge, and make some advance thereto, although such person may not be indicted, he or they shall be deemed guilty of a misdemeanor.

SEC. 11. Where the performance of any act is prohibited, or the performance of any act is required, by any statute, and no penalty for the violation of such statute is imposed, either in the same section containing such prohibition, or requiring such act or duty, or in any other section or statute, the doing of such prohibited act, or the neglect of such required act or duty, shall be deemed a misdemeanor.

SEC. 12. Every person who shall be convicted of any misdemeanor, the punishment of which is not defined in this or some other statute, shall be punished by imprisonment, not exceeding one year, or by fine not exceeding two hundred and fifty dollars, or by fine and imprisonment both.

SEC. 13. Every person who shall wear any pistol, dirk, butcher or large knife, or a sword in a cane, concealed as a weapon, unless upon a journey, shall be adjudged guilty of a misdemeanor, and upon conviction thereof, in the county in which the said offence shall have been committed, shall be fined in any sum not less than twenty-five dollars, nor more than one

hundred dollars, one half to be paid into the county treasury, the other half to the informer, and shall also be imprisoned not less than one, nor more than six months. (*www*) *Rev. Stat., chap. 44, div. 8, art. 1.*

ART. IV—SELLING SPIRITOUS LIQUORS TO SLAVES AND INDIANS.

SECTION

1. Penalty for white persons selling spirits to slaves.
2. Penalty for free negroes.

SECTION

3. Judges to give act in charge to grand juries.
4. Penalty for selling spirits to Indians.

SEC. 1. No person shall sell or cause to be sold to any negro or mulatto slave, ardent spirits in any quantity, without permission of the master, mistress, overseer or person having charge of said negro or mulatto slave; and any white person offending against the provisions of this act shall be guilty of a misdemeanor, and on conviction fined at the discretion of the court having jurisdiction of the same, not more than one hundred nor less than twenty dollars, and upon refusal or inability of such person to pay said fine, together with all costs incurred by said prosecution, shall be imprisoned for any term not less than ten nor more than sixty days, or until said fine and costs are paid. (*xxx*)

SEC. 2. If any free negro or mulatto shall sell, give or cause to be sold or given, any spirituous liquors to any negro or mulatto slave, he, she, or they, so offending, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than twenty nor more than one hundred dollars; and in addition shall be imprisoned for a term of not less than twenty, nor more than sixty days; and upon refusal or inability to pay the said fine, together with all costs incurred by the prosecution under this act, shall be hired out by the sheriff at public auction to any person who may agree to pay the said fine and costs for the shortest term of service of said free negro or mulatto. *Act of Jan. 10, 1853, secs. 1 & 2.*

SEC. 3. It shall be the duty of the judges of the several circuit courts in the State to give this act in charge to the grand juries of their respective courts. *Ib. sec. 4.*

SEC. 4. If any person shall sell, exchange, give, barter, or dispose of any spirituous liquors or wine, to an Indian, he or she so offending, may be indicted in the county where said offence was committed, and on being

(*www*) This section is not contrary either to the constitution of the United States, or of this State. *State vs. Buzzard*, 4 Ark. 18.

(*xxx*) For form of warrant for selling spirits to slaves, see Forms, No. 68.