

COMPILATION

OF THE

PUBLIC ACTS

OF THE

LEGISLATIVE COUNCIL

OF THE

TERRITORY OF FLORIDA,

PASSED PRIOR TO 1840.

BY JOHN P. DUVAL, ESQ.

TALLAHASSEE :

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county courts, justices of the peace, sheriffs, and clerks, within the counties of this Territory, and all other officers of this Territory, shall continue to have and exercise the said offices, until new appointments shall be made for the several offices.

When office
vacated.

SECT. 2. *And be it further enacted*, That whenever hereafter an office in this Territory shall have been made vacant by law, the person exercising such office, shall continue to hold and exercise the same, until his successor, or successors, shall have been appointed and duly qualified to serve in such office.

[Approved, December 29, 1824.]

[All acts concerning patrols ante act February 11, 1834, repealed by said act. This act revived by act 14 February, 1836.]

[See chap.
516, 588,
etc.]

CHAP. 671. (No. 14.) An act concerning patrols.

Patrol dis-
tricts to be
made by the
several J. P.

SECT. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That it shall be the duty of the several justices of the peace within this Territory, to cause their respective districts to be divided into convenient patrol districts, which division shall not be altered, unless by the justices, or a majority of them, in said district, and in case the said justices of the peace of any district, within this Territory, shall neglect to perform the duty hereinbefore required by him or them, he or they shall forfeit and pay the sum of fifty dollars, to be recovered before any justice of the peace in said district.

A roll to be
made out ;
persons of
the age 45
exempt.

SECT. 2. *Be it further enacted*, That it shall be the duty of the several justices of the peace, in each county in this Territory, to cause to be made out a roll for each patrol district, which shall include the names of all free white male inhabitants, above the age of eighteen years, residing within the patrol district ; *Provided*, that nothing herein contained, shall be construed to compel any male inhabitant, of any district, to perform patrol duty, either in person or by substitute, who may have attained the age of forty-five years.

Penalty
where J. P.
neglect their
duty.

SECT. 3. *Be it further enacted*, That it shall be the duty of the justices of the peace of each and every district to prick off from the roll of each patrol district, at his or their discretion, any number of persons who shall perform the duty hereinafter prescribed, for the term of three months, and to every such patrol, the justice or justices shall appoint some prudent and discreet person as commander, and in case the justice or justices of each district in their respective counties shall fail to prick off such patrol, he or they shall forfeit and pay the sum of twenty dollars for every such neglect, to be recovered before any other justice of the peace.

Command'rs
of patrol re-
quired to call
out their

SECT. 4. *Be it further enacted*, That it shall be the duty of every commander of every patrol, as often as he may deem it expedient, to call out the patrol under his command, and to take

up all slaves who may be found without the limits of their own-
 ers' plantation under suspicious circumstances, or at a suspi-
 cious distance therefrom, and to correct all such slaves by a
 moderate whipping, with a switch, or cowskin, commonly call-
 ed a cowhide, not exceeding thirty-nine lashes, unless the said
 slave shall have a ticket or pass from the owner of said slave,
 or his agent or overseer, or shall have some white person in
 company authorized to give an account of the business of such
 slave or slaves, or if any white man shall beat or abuse any
 slave, quietly and peaceably being on his or her master's plan-
 tation, or found anywhere about the same, with a lawful ticket
 or pass, he shall forfeit the sum of twenty dollars, to be recover-
 ed by the owner, and to his use by action of debt, besides being
 liable to the owner in an action of trespass for damages.

SECT. 5. *Be it further enacted*, That the said patrols in their
 respective districts are hereby authorized to enter into any disor-
 derly houses, vessels, or boats, suspected of harbouring, traffick-
 ing, or dealing with slaves, whether the same be occupied by white
 persons, free negroes, mulattoes, mustizoes, or slaves, and to ap-
 prehend and to correct all slaves found there by whipping as
 hereinbefore directed, and the said patrol are moreover author-
 ized, and it is hereby made their duty to give information to the
 next justice of the peace within their districts, of all such white
 persons, free negroes, mulattoes, or mustizoes, so found traffick-
 ing, or dealing with slaves; and the said justice shall upon such
 information issue his warrant for the apprehension of said of-
 fender or offenders, to be dealt with according to law, and the
 said patrols are moreover authorized to detain such produce, or
 other so found: *Provided*, such detention be authorized by any
 three persons composing said patrol, by any two householders
 of the vicinage, or by any justice of the peace, until upon in-
 quiry before a justice of the district it shall be proved to whom
 the said property belongs, when it shall be given up to the own-
 er or owners by order of the said justice.

* SECT. 6. *Be it further enacted*, That the commander of
 every patrol shall have the power to keep the men under his
 command in good order and demeanor, during their term of ser-
 vice, and in case any patrol man shall misbehave himself, or
 neglect, or disobey the orders of his commander, he shall be
 subject to a fine of not more than five dollars, to be imposed by
 any justice of the peace in said district, and to be paid to the
 county treasurer for county purposes.

SECT. 7. *Be it further enacted*, That if any commander of
 a patrol detachment, shall act disorderly while on duty; so as to
 defeat the orderly performance or execution of the patrol laws,
 agreeable to the true intent and meaning thereof, he shall be
 returned by any of the members of his patrol, or other persons
 competent to give evidence, to any justice of the peace in the
 district, who shall order the said commander to be brought be-

fore him, at a time and place therein to be stated for trial, and upon sufficient evidence being given of the charge, such captain or commander of the patrol, shall be fined in the sum of ten dollars, to be recovered and applied as aforesaid, to the use of the county.

SECT. 8. *Be it further enacted,* That it shall be lawful for any person or persons, hereby declared liable to perform patrol duty, to send any able-bodied white man, between the ages of eighteen and forty-five years, to perform patrol duty for him or them, and if any patrol man shall neglect or refuse to perform the duty required of him by this act, or procure a substitute to perform the same, without a legal excuse, he shall forfeit and pay a fine of twenty dollars for each and every default, to be recovered as aforesaid, before any justice of the peace of said district, to the use of the county, for county purposes: and in all cases where a substitute is provided, the person employing him shall be liable for his default.

SECT. 9. *Be it further enacted,* That each captain or commander of the patrol shall make a return upon oath of the performance of the duties of his office, as commander of such patrol, to a justice of the peace of his respective district, under the penalty of a fine of five dollars, to be recovered as aforesaid, for the use of the county.

SECT. 10. *Be it further enacted,* That it shall be lawful for any person or persons, who may be lawfully engaged in dispersing any unlawful assembly of slaves, free negroes, mulattoes, or mustizoes, to enter into all such places, as the said persons may be assembled at, and if resisted they may break open doors, gates, or windows.

SECT. 11. *Be it further enacted,* That nothing herein contained, shall be so construed as to deprive the corporate authorities of any incorporated town or village, of any power heretofore vested in them, to regulate and order out patrols, within the limits of such corporation.

SECT. 12. *Be it further enacted,* That if any person or persons shall commence any action against any patrol, or other persons for any trespass by him or them committed, in carrying the provisions of this act into effect, and at the trial thereof, shall fail to recover any damages, he, she, or they shall be liable, and adjudged to pay to the party so sued treble costs.

SECT. 13. *Be it further enacted,* That in counties where the justices' districts have not been laid out and defined according to law, it shall be the duty of the justices of the peace or any two or more of them to lay out and divide said county into convenient patrol districts, and proceed to organize the same, in the same manner as heretofore prescribed, and in all such justices' districts, wherein but one justice of the peace resides, he shall perform the same duties as are required by this act.

SECT. 14. *Be it further enacted,* That if there be no justice

All persons between the age of 18 & 45 required to perform duty when called, or employ substitute. Penalties for refusing to obey.

Command'r's of patrol required to make return to J. P. under a penalty of \$5.

Patrol authorized to enter forcibly into disorderly places under certain circumstances.

J. P. authorized to lay out patrol districts.

of the peace in any district, then and in that case, the justice or justices of the peace of the next adjoining districts in said county, shall perform the duties herein required of justices of the peace. Where there is no J. P.

SECT. 15. *Be it further enacted*, That it shall be lawful for any patrol of this Territory, to take from any slave or slaves any fire-arms, or other dangerous weapons, to be delivered by said patrol to the justice of the peace of said district. Patrol authorized to take fire-arms.

SECT. 16. *Be it further enacted*, That any fire-arms, or other articles so taken by the patrol, shall be delivered over to the nearest justice of the peace: and unless the same be called for within thirty days by the owner thereof or his agent, they may be sold at auction on some public day, and at some public place, and the proceeds shall by said justice of the peace be paid into the county treasury for county purposes: *Provided*, ten days' notice of such sale be given by one or more advertisements stuck up in some public place in the district. Disposition to be made of weapons.

SECT. 17. *Be it further enacted*, That it shall not be lawful for any slave, free negro, or mulatto, to keep or retain in his or their house or houses, any fire-arms whatsoever, and it is hereby made the duty of the patrol to search negro houses or other suspected places for fire-arms, and if any they find, contrary to the true intent and meaning of this act, may take the same to the nearest justice of the peace, who may proceed therewith as directed in a preceding section of this act; and the negro or negroes, in whose possession the same may be found, on failing to give a plain and satisfactory account of the manner he or they came possessed of the same, may be severally punished by moderate whipping on the bare back, not exceeding thirty-nine lashes. Slaves, free negroes, and mulattoes forbidden to keep fire-arms in their houses, etc.

SECT. 18. *Be it further enacted*, That all laws now in force in this Territory, on the subject of patrols, be and the same are hereby repealed, and this act shall be in force from and after the first day of March next. All other laws repealed.

[Approved, February 17, 1833.]

CHAP. 965. [No. 54.] An Act to repeal "An Act concerning Patrols, passed February 6th, 1834," and for other purposes.

SECT. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the Act entitled "An Act concerning Patrols, passed February 6th, 1834, be, and the same is hereby repealed.

SECT. 2. *Be it further enacted*, That an Act entitled "An Act concerning Patrols, passed January 24th, 1833, be, and the same is hereby revived, any law to the contrary notwithstanding.

[Approved, February 14, 1836.]