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Sargent's Code

A COLLECTION
OF THE ORIGINAL LAWS OF THE MISSISSIPPI TERRITORY
ENACTED 1799-1800 BY GOVERNOR WINTHROP SARGENT
AND THE TERRITORIAL JUDGES

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SARGENT'S CODE

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And the Territorial Judges

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The Historical Records Survey
Jackson, Mississippi
June 1939

The Historical Records Survey

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INTRODUCTION

The first laws for the government of the Mississippi Territory approved by Act of Congress, April 7, 1798, are known collectively as Sargent's Code. The published copies of these first Territorial laws are exceedingly rare. In fact, there are only three known copies in existence. Needless to say, none of these are in Mississippi or in the South for that matter. The mimeographed copy herewith presented by the Historical Records Survey was made from the original manuscript laws, deposited in the state Department of Archives and History, Jackson, Mississippi. The original published copy contains but 25 of the total of 46 laws promulgated over the period from February 28, 1799 to October 30, 1800. All of Sargent's laws for the government of the Mississippi Territory are herein collected and appear therefore for the first time in this edition by the Historical Records Survey. None except the first 25 of the laws as they appear in this edition were contained in the edition published by Andrew Marschalk at Natchez in 1799. The order in which the laws appear in the present edition is the same as that in the holograph copy in the Department of Archives and History. The order of arrangement in the printed edition of 1799 is somewhat different from that of the manuscripts.

The promulgation of Sargent's Code for the government of the population of some five thousand persons in the territory comprising the present states of Mississippi and Alabama, for the most part, was one of a series of events that marked the advance of the Stars and Stripes to the Pacific. A little more than a decade earlier--in 1787--the first settlement west of the Alleghanies had been made at Marietta in the present state of Ohio. The second stage in this advance was the raising of the flag of the United States at Natchez on March 29, 1798 as the Spaniards withdrew down the Mississippi River to New Orleans. It is an interesting fact that Winthrop Sargent, born in the Massachusetts coast town of Gloucester May 1, 1755, should have played such an important role in the historical beginnings of both the old Northwest centering at Marietta and also in that of the old Southwest centering at Natchez.

For 10 years prior to May 7, 1798, when President John Adams appointed him governor of the Mississippi Territory, Winthrop Sargent served as Secretary of the Northwest Territory, and after the battle of Maumee, November 4, 1791 in which General Arthur St. Clair, the governor, was seriously wounded, he performed likewise the duties of governor. In truth, the determining factor in Sargent's appointment to the position of governor of the Mississippi Territory was his knowledge of and actual experience with the very problems with which the governor would be supposed to deal on the outpost of civilization at Natchez.

Accordingly, on August 6, 1798, Sargent arrived at Natchez to take up the duties of his office. On August 16, he performed his first official act as governor when he delivered an address at Natchez to the people of the Territory. In his address, the governor declared that "personal merit and a firm attachment to the United States" should be the qualifications for office under his administration and that he should defer his appointments until he could become acquainted with the people.

President Adams under the provisions of the organic act, appointed a secretary and three judges for the Territory. John Steele of Virginia, named secretary, was, according to the law, authorized to perform the duties of the governor in the event of the governor's absence or inability to perform the

INTRODUCTION

duties of his office. The President appointed three judges: Peter Bryan Bruin, a soldier of the Revolution who had for 10 years lived at Natchez, Daniel Tillton of New Hampshire, and William McGuire of Virginia. The latter was the only one of the judges who was a lawyer. The governor with the three judges or a majority of them was empowered "to adopt and publish in the district such laws of the original states, civil and criminal, as may be necessary and best suited to the circumstances."

Even before the arrival of the governor at his new post of duty, he was not unaware of the great need, in his view, of the people of the Mississippi Territory for the restraining force of government and law. From Cincinnati he wrote Pickering, the Secretary of State, that such information as he had concerning the people of the Territory was to the effect that they were of a "refractory and turbulent spirit," led by men of "Perverseness and cunning;" that they were running wild in the absence of government; and that every moment of delay in adopting rules and regulations would be productive of growing evils. Pending the arrival, therefore, of either Judge Tillton or Judge McGuire to act with the governor and Judge Bruin, Sargent organized a temporary government. He appointed "conservators of the peace" who were empowered "to suppress all riots and affrays and to take notice of all treasonable or seditious language and to command the authors, unless they shall give security for good conduct, to answer for their crimes at the first session of a Court of General Quarter Sessions." Two of the "conservators" were competent to hold court and to issue papers to the sheriff to apprehend and arrest criminals. The "conservators" were to appoint the constables. The sheriff's duties were of the usual nature.

In spite, however, of these restraining forces, Sargent wrote Pickering in December 1798 that the people were living in a virtual state of nature and that at that time they would probably resent even the mildest of statutes. The state of anarchy prevailing was, as he said, "truly distressing to him."

The arrival of Judge Tillton at Natchez early in January 1799, made it possible for the governor and the two judges, Bruin and Tillton, to begin to enact laws for the Territory. This they did without delay. Sargent deplored that Judge Tillton did not bring with him the "laws of the several states." But the boat in which the judge came was far too small to be encumbered with heavy and bulky law books. The lawmakers were, therefore, compelled to form Mississippi's first Code of Laws from the volumes of the Northwest Territory which Sargent did not believe to be a very good basis.

The work of Sargent and Judges Bruin and Tillton--Judge McGuire seems to have taken little part in the making of the laws as he remained in Mississippi only a few months, leaving in September 1799--proved to be very unpopular with the people. Under the leadership of Cato West, Narsworthy Hunter, Colonel Anthony Hutchins, and others, a concerted attack was made on Sargent and his administration; the new laws were dubbed contemptuously "Sargent's Code;" and they were subjected to a biting criticism as being arbitrary and unconstitutional. Instead of "adopting" laws taken from the statutes of the states, Sargent and the judges had "made" laws, the leaders of the people said, at variance with the constitution; capricious in their application; and repugnant to the established principle of jurisprudence derived from the common law of England. The governor and the judges had therefore assumed power--and "it is preposterous to conclude that men will not abuse power which has already been assumed."

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The laws against treason and arson were pointed to as being unconstitutional. The Code provided that any person convicted of treason should incur the death penalty and forfeit all his property, real and personal, to the Territory. The law against arson provided that the convicted person be pilloried, whipped, confined in jail, not exceeding three years, and forfeit all his property to the Territory. Severe as these laws were, however, they were directed against evildoers. The large majority of the people flinched most at those laws that touched the purse which, as has been said, is attached to the sensory nervous system. The fees of $4 on passports and $8 on marriage and tavern licenses were strenuously protested as being exorbitant. The fact that these fees were paid to the governor made them even more objectionable.

Early in the summer of 1799 the opposition to Governor Sargent and his administration began to crystalize. In June, presentments of the grand juries of both Adams and Pickering Counties presented long lists of grievances. In August, a committee of inhabitants addressed a strong letter of disapproval to Governor Sargent and one also to both the governor and the judges. These letters were highly condemnatory of the administration and of the Code of Laws:

> "...let the Country be divided into proper districts--let the People have the priviledge of recommending the Officers of Militia--their interest will be the same, and their confidence mutual--many who have been in the habit of Voting for a President of the United States think it peculiarly hard upon this occasion, that they cannot recommend a Captain or subaltern in whom they can confide--let your field Officers be popular--let them be Americans, free from all foreign prejudices, and such as have never ploughed with the heifer of intrigue--.the People will shew them to you Sir, if you will permit them--.the Justices of the peace and other Civil Officers should be of the same description --no foreign predilection--
>
> Let the laws be cut down to a constitutional standard, or rather let the Laws be adopted agreeably to the ordinance of 1787. and let them be administered with firmness, tempered with clemency and humanity...."[1]

On October 2, 1799, the Committee of Inhabitants through Narsworthy Hunter, one of its members, presented to Congress a petition saying among other things that:

> "...Your Petitioners beg leave to remind Your Honourable Body that many of the Citizens of this Territory have fought and bled in the cause of America; a Cause which had for its Origin, the usurped power of Britain, to compel Americans to obey Laws and pay taxes which had not their own consent--And the triumph of America has established the following fundamental Maxim in American politicks (Viz) that it is the birth right of every Citizen to have a Voice by himself or his representative in the framing of

1. Clarence Edwin Carter, (ed.), The Territorial Papers of the United States, Washington, 1933--, The Territory of Mississippi, 1798-1817, 1937, V, 75.

Introduction

> Laws and imposing of taxes--The late Honble Congress has composed for us a form of Government in which not even a Shadow of this precious privilege is retained in its first Grade--.The executive, legislative, and Judicial authorities so carefully seperated and limited by the constitutions of the Elder States, are here mingled together in the hands of three or four individuals, who have but a partial interest in the Laws which have been made; for except the Judge who has been long an Inhabitant of the Country, none of the Officers appear to have the qualifications, directed and prescribed by the Wisdom of the Ordinance, in order to blend their interest with that of the permanent Citizen--No lands in their own proper right are held by them--
>
> Judge Tilton came to this Country and remained only until a Code of Laws could be framed, in the Opperation of which he had no concern whatever--He then left us we presume to return no more--Judge McGuire after a few months residence here, is about to return to the State of Virginia--and he being the only Judge of any considerable Law knowledge, which has been appointed for this Territory--our Situation will be pitiable indeed--But in the ample variety of your resources, we have not a doubt but you will find a sufficient and effectual remedy...."[2]

On January 13, 1800, the documents relating to the Mississippi Territory were presented to a Committee of the House of which William C. C. Claiborne of Tennessee was the chairman. On March 3, 1800, the Committee of the whole House reported that there did not "appear cause for further proceedings in the matters of complaint for mal-administration against Winthrop Sargent." Congress, however, on May 10, 1800, made provision for advancing the Territory to that of second grade which status provided for a popular legislature, with power to override the veto of the governor by the usual two-thirds majority. The triumph of the opposition seemed evident.

Accordingly, on April 3, 1801, as soon as knowledge of the election of Jefferson to the Presidency reached Natchez, Sargent, leaving the government to Secretary Steele, departed for Washington with the purpose of defending his administration before Congress and seeking vindication by a reappointment. But on May 25, 1801, President Jefferson through Secretary of State Madison, notified Sargent in a carefully worded letter that it seemed "expedient" in the interest of general harmony and mutual attachment between the people and public functionaries to fill the station of governor with another than Sargent. Jefferson accordingly, on May 25, 1801, appointed William C. C. Claiborne governor of the Territory. Governor Claiborne arrived at Natchez to assume his duties in November 1801.

Sargent, who had married into a prominent family in the Mississippi Territory, returned to Natchez where he lived until his death in 1820, a prosperous planter, on his estate of Glouster near Natchez.

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2. Ibid.,81.

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The controversy in the Mississippi Territory between Sargent and his opponents was an interesting reflex in a remote settlement of the controversy then going on between the Federalists of which Alexander Hamilton and John Adams were the proponents, and the anti-Federalists led by Jefferson. The opposing political philosophy of these two groups was quite evident in the contest between Sargent and his opponents in the Mississippi Territory. The presidential election of 1800 was a triumph for Jefferson and his democratic principles as well in the Mississippi Territory as in the nation.

P. L. Rainwater
State Director
The Historical Records Survey

Jackson, Mississippi
June, 1939

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Mississippi Territory

(Seal)

A Law in aid of, and in addition to the regulations of the Governor, for the permanent establishment of the Militia of The Mississippi Territory.

All free male inhabitants between the age of sixteen and fifty, the officers of civil government appointed by the president and senate of the united states, or commissioned by the Governor; ministers of religious societies, that are or may be established, and regularly educated practising physicians, only excepted, shall be liable to, and perform military duty, and be divided agreeably to the order of the commander in chief, into corps of horse and foot, and formed in the following manner

Sixty-four rank and file shall form a company of Infantry, or rifle men, or a Troop of horse.

To each company of infantry or rifle-men, there shall be appointed a captain, lieutenant, and ensign, four sergeants, four corporals, a drummer and fifer.

To a troop of horse, one captain, one lieutenant, and one cornet, four sergeants, four corporals and one trumpeter.

The whole militia of the Territory shall, until the commander in chief may otherwise direct, be formed into two legions, and bear the names of the counties to which they shall respectively appertain, so soon as such shall be erected and laid off.

A Lieutenant-Colonel shall command each legion, and there may be appointed such other field officers as the commander in chief may deem necessary.

There shall also be appointed to each legion, an adjutant and a quarter-master and whenever the commander in chief shall believe it essential to the well ordering of the militia of this Territory, he may appoint an adjutant general, with the rank of a major, or lieutenant colonel.

Each and every horseman shall furnish himself with a sword, one pistol, twelve rounds of cartridges, three flints, a priming wire, small portmanteau, and such other arms and accoutrements, as the commander in chief may direct.

Every militia man who is enrolled for service on foot, shall furnish himself with a musquet and bayonet, cartridge box, and thirty rounds of cartridges, or rifle and tomahawk, powder horn and bullet pouch, with one pound of powder and four pounds of bullets, six flints, priming wires, brushes and knapsacks.

And every person enrolled in this militia, who shall be found deficient upon any muster day, in the arms, ammunition and accoutrements, or any of them, herein ordered to be furnished; shall after a reasonable time given, in the judgment of the legionary commandants (not exceeding six months) to enable him to procure the same, at each and every time of default, be fined in the sum of three dollars.

The officers shall be armed and accoutred as the privates, with the addition of swords only for the infantry.

Upon the second saturday of each and every month, officers commanding companies, are to assemble and parade their men, at such time and place, as they may deem best adapted for their general convenience: and there diligently exercise them for the space of two hours, in marching, wheeling, firing with good aim, and the use of the bayonet for the infantry.

There shall be four field days in each and every year, to be named by the commander in chief, or the commandants of legions under his order, upon which the respective commands, that can, in his judgement with any convenience be assembled, must be exercised as legionary corps.

If any person enrolled in the militia, shall refuse or neglect to appear, upon the regular stated muster or field days, after being informed by a commissioned or non commissioned officer, of the time and place of parade; or shall refuse to do his duty when appearing, he shall be fined in the sum of three dollars for each default, except in case of absence, and when he shall render a sufficient excuse to his captain.

If any commissioned, non commissioned officer or private, shall cause or promote any disorder, upon the regular stated muster or field days, so as to impede or prevent the military exercises, which may be ordered; he shall be tried by a court martial, and upon conviction thereof, shall be fined in a sum not exceeding ten dollars.

All fines are to be collected by a warrant of distress, from the captain or senior officer of a company, directed to any one of the sergeants, who is

to levy upon the goods or chattels of the defaulter, and after advertising the same for five days, if the fine is not then paid, he shall proceed to sell at public vendue, to the highest bidder, so much of the effects, as will answer the fine, and one dollar for his own use, returning the overplus if any there be, to the party who owned the property so destrained and the fine levied, shall by the officer from whom the warrant issued, be paid into the county treasury, for the use of the legions; and to be appropriated, in such way and manner, as the field officers, or a majority of them shall direct, with the approbation of the commander in chief.

Upon any invasion of this Territory, or the appearance thereof, or domestic disturbances, actually existing or apprehended; the commander in chief, or commandants of counties, in pressing emergencies, where the commander in chief cannot seasonably be resorted to, are authorized to make such detachments for guards, patrols, and other military duty, as the public exigencies may in his, or their opinion require, (provided that in all cases where detachments are ordered by commandants of legions, report thereof shall be made without delay to the commander in chief) and in case of refusal to appear and perform duty, under such authority, or disobedience or neglect of orders, in time of service; the defaulter shall be deemed guilty of cowardice, and be heard, tried and sentenced by a court martial.

All officers shall be attentive to the forming, disciplining, parading and commanding their respective corps, and to such other duties, as shall respectively bind them by this law; and by the orders from time to time to be given them, by the commander in chief, or other their superior officers.

If any officer shall be guilty of a breach of this law, or in any respect, violate or neglect his duty, he shall be heard, tried, and sentenced by a court martial.

A court martial shall not consist of more than nine members, nor less than three, whereof one at least shall have rank superior to that of a lieutenant.

Courts martial may be appointed by the commander in chief, or the commandants of legions, but the commander in chief, only, shall have the power of approving and carrying into effect, sentences of courts martial, whereby the punishment shall be capital, or an officer cashiered; and the commander in chief is authorised and impowered to remit fines that may be inflicted,

where it shall appear from the oaths of two credible witnesses, that the person fined, is unable to pay the same, without great distress to himself or family.

The free male inhabitants above the age of fifty, shall arm and accoutre themselves either as the cavelry or those who serve on foot (at their own option) but they shall not be liable to military service except in cases of actual invasion, and under the immediate direction of the commander in chief.

The foregoing is hereby declared to be a law of the Mississippi Territory, this twenty-eighth day of february anno domini one thousand seven hundred and ninety-nine. In testimony of which, we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

Peter Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law establishing courts of Judicature

A court, to be stiled the General quarter sessions of the peace, shall be holden and kept, four times annually, in each and every county, and as shall hereafter be directed by the Governor.

And there shall be a competent number of Justices in every county, nominated and commissioned by the Governor, under the seal of the Territory, which Justices, or any three of them, one being of the quoram, shall, and may hold the General Sessions of the peace according to law, and may hold special sessions when, and as often as occasion may require. Each and every Justice shall have power and authority in or out of sessions, to take all manner of recognizances with or without surety, for good behaviour, to keep the peace, or for appearance at a superior Judicatory, whether to the quarter sessions, if out of the time of sessions or to bhe supreme court of the Territory, as the case may be; to answer to charges exhibited, or crimes committed in the view of such Justices, or any of them, and whereof they have not competent power to hear and determine. And in case any person, or persons shall refuse to enter into recognizances as aforesaid, and to find surety when thereunto required, it shall and may be lawful for such Justice or Justices, in or out of sessions as aforesaid, to commit the person or persons so refusing to Goal, there to remain until he, she or they shall comply with the order of such Justice or Justices.

All recognizances for the peace, good behaviour, or appearance at the sessions, which shall be taken by any of the Justices out of sessions, shall be certified into the said General sessions to be holden next after the taking thereof; and every recognizance taken in or out of session, for suspicion of any manner of crime not cognizable in the same, shall be certified before the supreme court of the Territory at their next succeeding term, or before a court of oyer and terminer and ~~general~~ Goal delivery for the county, to be holden next after the taking thereof, without concealing or detaining the same: and if any person or persons shall forfeit his or their recognizances of the peace, good behaviour or appearance the recognizance so forfeited, with the record of default or cause of forfeiture, shall be sent and

certified without delay by the Justice or Justices of the peace, into the quarter sessions, if taken out of sessions, and returnable to the same or into the supreme court of the Territory, as the case may be, whether taken in or out of sessions. And all fines, forfeitures and amercinents which shall be laid before the said court, shall be yearly estreated by the clerks of the same into the supreme court, to the intent that process may be awarded to the sheriffs of every county, as the case may require, for levying such of them as shall be unpaid, to the uses to which they are, or shall be appropriatöd. One or more Justices of the peace, shall and may out of sessions, hear and determine according to the course of the common Law, petit crimes and misdemeanours wherein the punishment shall be by fine only, and not exceeding Eight dollars, and may assess and tax costs, and in case any person or persons shall refuse to obey, fulfil, and perform the sentence, or sentences given against him, her or them by the Justice, or Justices, it shall and may be lawful for such Justice or Justices, to commit the delinquent or delinquents to Goal, there to remain until sentence be performed, and it shall be lawful for such Justice or Justices, whenever the crime shall be committed in his or their presence, or view, to sentence as aforesaid without further examination: which fines shall be by such Justice or Justices paid to the clerk of the court of quarter sessions, and by him paid into the county Treasury. All warrants issued by a Justice or Justices out of sessions, either for apprehending, securing or committing to goal, persons suspected, or convicted of crimes, shall be under the hand and seal of such Justice or Justices, and directed to the officer or officers whose duty it shall be to execute criminal process, and such officer or officers shall obey the warrant or warrants issued as aforesaid.

The court of General quarter sessions, shall and may hear, determine and sentence according to the course of the common law, all crimes and misdemeanours of whatever nature or kind, committed within their respective counties, the punishment whereof doth not extend to life, limb, imprisonment for more than one year, or forfeiture of goods and chattels, or lands and tenements to the Government of the Territory.

To the end, that persons indicted or outlawed for felonies, or other offences, in one county, who dwell, remove or shall be received into another county, may be brought to Justice: it is hereby directed, that the Justices or any of them, shall and may direct their writs or precepts, to all or any of the sheriffs, or other officers of the said county,

where need shall be, to take such persons indicted or outlawed, and it shall and may be lawful to, and for the said Justices, and every of them, to issue forth subpoenas, and other warrants, under their respective hands and the seal of the county into any county or place of this Territory, for summoning or bringing any person or persons, to give evidence in and upon any matter or cause whatsoever, now or hereafter examinable, or in any ways triable by or before them; under such pains and penalties as subpoenas or warrants of that kind, usually are or ought by law, to be granted or awarded.

If any person or persons shall find him or themselves aggrieved, by the Judgement of any of the said courts of general quarter sessions of the peace, or any other courts of record within this Territory; it shall and may be lawful, to, and for the party so aggrieved to have his or their writ or writs of error, which shall be granted of course, in manner as other writs are to be granted, and made returnable to the supreme court.

Provided always, that the said courts of the general quarter sessions of the peace, may be kept and continued for the space of three legal days, or seventy two hours, in every of the said counties respectively, at the times and places which shall be appointed to hold and keep the same.

The Territorial Judges shall hold the supreme court once in every year, in each county respectively, at such places as shall be appointed for the courts of general quarter sessions of the peace, and at such times as will hereafter be declared by law. And the Judges of the said court and every of them shall have power and authority, when, and as often as there may be occasion to issue forth writs of error, certiorari, and habeas corpus, and all remedial, and other writs and process, returnable to the same, and grantable by the Judges, by virtue of office. They shall in their said court hear and determine, all causes, matters and things, cognizable in the same; and also hear and determine all, and all manner of pleas, plaints and causes, which shall be removed, or brought there from the respective General quarter sessions of the peace, and courts of common pleas; or from any other court to be holden for the respective counties: and examine and correct, all, and all manner of errors, of the justices of the inferior courts, in their judgments, process and proceedings, in the said courts; as well in all pleas of the united states, as in all pleas real, personal, and mixed; and thereupon reverse, or affirm the said

judgments, as the law doth or shall direct. They shall also examine, correct and punish, the contempts, ommissions, and neglects, favors, corruptions, and defaults of all, or any of the Justices of the peace, sheriffs, coroners, clerks and other officers, within the said respective counties. And shall award process for levying, as well of such fines, forfeitures, and amerciaments, as shall be estreated into the supreme court, as of the fines, forfeitures and amerciaments, which shall be lost, taxed and set there, and not paid to the uses to which they are or shall be appropriated: and generally shall minister ample justice, to all persons, and amply exercise the jurisdictions and powers herein mentioned, concerning all and singular the premises according to law.

All writs returnable to the supreme court, shall run in the name, and style of the United States of America, and bear test in the name of the presiding judge: but if he be plaintif or defendant, then in the name of one of the other judges: and shall be seated with the judicial seat of the said court, and made returnable to the next court after the date of such writs.

The judges of the supreme court, shall have power from time to time, to deliver the gaols, of all persons who now are, or hereafter shall be committed for Treasons, murders, and such other crimes as, by the laws of this Territory, now are, or hereafter shall be made capital, or Felonies of death, as aforesaid: and for that end, from time to time, to issue forth such necessary precepts and process, and force obedience thereto, as justices of assize, justices of oyer and terminer, and Gaol delivery, may, or can do within the united states.

In order to compel the due attendance of jury men on the said supreme court, and all other courts within this Territory; it is hereby declared, that if any person shall be duly summoned to attend any court of judicature, to serve on a jury, or on any inquest required by law, and shall neglect or refuse to give his attendance, on the day, and during the time his service is necessary: every such person so offending, shall be fined for every such offence in the supreme court, and court of oyer and terminer, by the judges thereof, in any sum not exceeding twelve Dollars: and for every such offence in the court of common pleas, or court of quarter sessions of the peace, for any county of the Territory, by the justices thereof, any sum not exceeding Eight

dollars: unless such delinquent shall at the same, or next succeeding court, render to the judges, or justices thereof a reasonable excuse, for such neglect or refusal, to be allowed by such of them as shall be present: which said judges or justices are hereby empowered and required, on failure of such delinquent to render such reasonable excuse, to issue a writ to the sheriff of the county to levy the said fine on the goods and chattels of every such delinquent to be paid into the county Treasury.

A competent number of persons shall be commissioned by the Governor, under the seal of the Territory, as justices of the common pleas; who shall hold and keep a court of record in every county, and which shall be styled and called the Court of common pleas, of (naming the county) and be holden four times in every year, in each county, at the place where the general quarter sessions of the peace shall be respectively kept. Which said justices or any three of them, according to the tenor and direction of their commissions, shall hold pleas of assize, scire facias, replevins, and hear, and determine all, and all manner of pleas, actions, suits and causes, civil, personal, real and mixed according to law.

Every of the said justices shall, and are hereby empowered, to grant under the seal of their respective courts, replevins, writs of partition, writs of view, and all other writs and process, upon the said pleas, and actions, cognizable in the said respective courts, as occasion may require

The said justices of the said respective courts, last mentioned, shall, and are hereby empowered to issue forth subpoenas, under their respective hands, and the seal of the court, into any county, or place within this Territory; for summoning or bringing any person or persons, to give evidence in, or upon, the trial of any matter or cause whatsoever, depending before them, or any of them; under such pains and penalties as, by the rules of the common law, and course of the practice of the supreme Court, are usually appointed.

Upon any judgment obtained in any of the said courts of common pleas, and execution returned by the sheriff or coroner, of the proper county, where such judgment was obtained, that the party is not to be found, or hath no lands, or tenements goods or chattels in that county; and thereupon it is testified that the party sculks or lies hid, or hath lands,

tenements, goods or chattels in another county, in this Territory, it shall and may be lawful, to, and for the court that issued out such execution, to grant an alias execution, with a testatum, directed to the sheriff or the coroner of the county or place where such person lies hid, or where his lands and effects are; commanding him to execute the same, according to the tenor of such writ or writs, and make return thereof to the court of common pleas, where such recovery is had, or judgment is given. And if the sheriff or coroner, to whom such writ or writs shall be directed, shall refuse or neglect to execute and return the same accordingly, he shall be amerced in the county where he ought to return it, and be liable to the action of the party aggrieved: and the said amerciaments shall be truly and duly set, according to the quality of the offence, and estreated, by the prothonotaries of the respective courts of common pleas, into the next succeeding supreme court, or court of oyer and terminer in course, that thence process may issue against the offender, for levying such fines and amerciaments as shall be unpaid, to the uses for which they are or shall be appropriated.

All suits, actions, and causes before the supreme Court, or the courts of common pleas, and general quarter sessions of the peace, that shall remain undetermined, shall be continued over to the next respective term ensuing, under the authority of this law.

The foregoing is hereby declared to be a law of the Mississippi Territory this twenty eight day of february, anno domini one thousand seven Hundred and ninety nine, in Testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

Peter Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law Respecting crimes
and punishments.

Treason

If 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 inlisting, 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 correspondence with them; or shall form, or be any way concerned in forming, any plot or conspiracy for betraying the United States, or this Territory into the hands 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

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

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

Arson

If any person or persons, shall wilfully and maliciously burn, or cause to be burnt, or shall be wilfully and maliciously aiding, and assisting in burning any dwelling house, or other building thereunto adjoining, he, she or they so offending, shall be deemed guilty of arson; and upon conviction thereof, shall be whipped, not exceeding thirty nine stripes; put in the pillory, and there be continued, not exceeding the space of two hours; confined in gaol, not exceeding the space of three years, and forfeit all his, her or their estate, real and personal to this Territory: out of which estate, if sufficient, shall be paid to the party injured, his full damages; and in case death should ensue from such burning, the offender or offenders, upon conviction thereof, shall suffer the pains of death.

Burglary

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

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 recompenced as aforesaid, and the offender shall be committed,

to any gaol in the Territory, for a term not exceeding four years.

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

Robbery

If any person or persons, shall unlawfully, and forcably take from the person of another, in the 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.

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 endeavouring 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.

Riots and unlawful assemblies

If three or more persons shall assemble together, with intention to do any unlawful act or 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 offending, and upon conviction thereof, shall pay as a fine, each to this Territory, the sum of thirty dollars, and find surety

for their good behaviour respectively, for the space of six months, and stand committed till sentence be performed.

Whenever three or more persons, shall be assembled as aforesaid, and proceeding to commit any of the offences aforesaid, it shall be the duty of all judges, justices of the peace, and sheriffs, and all ministerial officers, immediately upon actual view, or as soon as may be upon information, to make proclamation in the hearing of such offenders, if silence can be obtained, commanding them in the name of the United States, to disperse, and depart to their several homes, or lawful employments; and if upon such proclamation, or when silence cannot be obtained, such persons so assembled, shall not disperse, and depart as aforesaid: it shall then be the duty of such judges, justices of the peace, and sheriffs, and other ministerial officers respectively, to call upon all persons near, and of abilities, and throughout the county if necessary, to be aiding and assisting, in despersing and taking into custody, all persons assembled as aforesaid; and all military officers, and others, called upon as aforesaid, are hereby ordered and directed, to render instant, and full obedience in this behalf, upon the penalty of twenty dollars each, for every neglect, or refusal herein, and commitment in case of nonpayment. If any of the persons so unlawfully assembled, shall be killed, maimed, or otherwise injured, in consequence of resisting the judges or others, in dispersing, and apprehending, or in attempting to disperse and apprehend them; the said judges, justices of the peace, and sheriffs, and other ministerial officers, and other acting by their authority, or the authority of any of them, shall be holden guiltless.

If any person or persons, shall forceably obstruct, any of the authority aforesaid; or if any three or more persons, shall continue together, after proclamation as aforesaid, made, or attempted to be made, and prevented by such rioters, or in case of no proclamation, any three or more persons being assembled as aforesaid, shall commit any unlawful act, as aforesaid, every offender upon conviction thereof, shall be fined in a sum, not exceeding three hundred dollars, and be whipped, not exceeding thirty nine stripes, and find surety for good behaviour, for a time, not more than one year, at the discretion of the court before whom the conviction may be had. And upon a second conviction, each and every offender, shall be whipped and fined as aforesaid, and find surety for good behaviour, and the peace, for a time not exceeding ten years, and may be committed to any Gaol in the Territory, till sentence be

fully performed.

Perjury

If any person lawfully called upon to give evidence, before any court of record, or other authority in this Territory, qualified to administer oaths, and solemn declarations, and affirmations; shall wilfully depose, affirm or declare, any matter of fact, knowing the same to be false; or shall in like manner, deny any fact knowing the same to be true, or shall refuse to depose, affirm or declare such fact, knowing the same to be true; the person so offending, shall be deemed guilty of perjury, and upon conviction thereof, shall be fined in a sum, not exceeding sixty dollars, or be whipped, not exceeding thirty nine stripes; and shall moreover be set in the pillory, for a space of time, not exceeding two hours, and be ever after incapable of giving testimony, being a juror, and of sustaining any office, civil or military, in this Territory.

And if any person or persons, shall corruptly procure any other person, to commit the crime of perjury as before defined, he, she or they so offending, shall upon conviction thereof, suffer the same punishments and disabilities, as in the case of actual perjury.

Larceny

If any person shall be convicted, either by his or her own confession, or the testimony of credible evidence, before any two justices of the peace, in their respective counties, of having feloniously stolen any money, goods or chattels (the same being under the value of three dollars) the offender shall have judgement, to be immediately and publicly whipped, upon his or her bare back, not exceeding fifteen lashes, or be fined in any sum, at the discretion of the said justices, not exceeding six dollars; and if able to make restitution, besides, to the party wronged; paying also the charges of prosecution and whipping, or otherwise shall be sent to the work house, to be kept at hard labour, and for want of such work house, to be committed to prison, for such charges, for a term not exceeding twelve days.

Provided always, that if the party so charged, with such larceny, request to be tried at the court of general quarter sessions of the peace, to be held for the county respectively; the same shall be granted by the said Justices, the offending party giving

security to appear, and answer at the said court; otherwise he or she, shall be committed as is usual in such cases: but if the party so charged with larceny, be a servant or servants, he, she or they shall not have any appeal, unless the master, mistress or friend, of the party charged, shall become security for his, her or their appearance at the next court, as in such cases is usual.

One or more of the justices, who shall render judgement, by virtue of this law, shall keep fair records, of his or their proceedings therein.

If any person or persons shall steal or purloin from any other person or persons, any money, goods, wares or merchandize, or any other personal property, or thing whatever, exceeding the value specified in the preceeding section of this law; he, she or they so offending, shall be deemed guilty of larceny, and upon conviction, before the court of general quarter sessions of the peace; shall for the first offence, restore to the owner the thing stolen, and pay to him the value thereof, or twofold the value thereof, if the thing stolen be not restored; and shall be fined in a sum, not exceeding twofold the value of the thing or goods stolen; or shall be whipped, not exceeding thirty one stripes, at the discretion of the court: upon a second conviction, restitution and payment shall be made to the owner, as aforesaid, a fine shall be set and paid to the Territory, not exceeding fourfold the value as aforesaid, and the offender shall be whipped, not exceeding thirty nine stripes: and in like manner, upon every succeeding conviction. And in case such convict, shall not have property, real or personal, wherewith to discharge and satisfy the sentence of the court, it shall be lawful for the sheriff, by direction of the court, to bind such person to labour, for a term not exceeding seven years, to any suitable person, who will discharge such sentence. And if any person or persons, shall receive any goods, or other things, as aforesaid, knowing the same to be stolen, he, she or they so offending, shall be deemed principally guilty, and upon conviction thereof shall be punished accordingly.

And if any person or persons, shall agree or compound, or take satisfaction for any stealing, or goods stolen, such person or persons, upon conviction thereof, shall forfeit twice the value of the sums, or thing agreed for, or taken; but no person shall be debared from taking his goods again, provided he prosecute the thief. Provided also, that nothing herein shall be construed, so as to oblige a parent to prosecute

a child, being an infant, or in a state of minority.

Forgery

Whoever shall forge, deface, corrupt, or embezzle, any charters, gifts, grants, bonds, bills, conveyances, wills, testaments, or written contracts, of any nature, or kind, or shall deface or falsify, any enrollment, registry or record, or matter or instrument recorded; or shall counterfeit the seal, or hand writing of another, with intent to defraud: every person so offending, shall upon conviction thereof, be fined in double the sum, he shall thereby have defrauded, or attempted to defraud another; one half thereof to the party injured, or intended to be injured; and shall moreover, forever after be rendered incapable of giving testimony, being a juror, or sustaining any office of trust; and be set in the pillory, not exceeding the space of three hours: and all persons wilfully aiding, and assisting in the commission of these crimes, or who shall cause, or procure the same, or any of them to be perpetrated, shall be deemed principals.

Fraudulent deeds &c.

All bonds, bills, deeds of sale, gifts, grants, or other conveyances, or obligations whatever; made with intent to deceive, and defraud others, or to defeat creditors of their just debts or demands, shall be null and void; and the person or persons so offending, shall upon conviction thereof, be fined in a sum not exceeding three hundred dollars, and pay double damages, to the party or parties injured.

If any person or persons, shall knowingly and designedly, by any false pretence or pretences, obtain from any other person or persons, any moneys goods or merchandize, or other effects, whatsoever; with intent to cheat or defraud, such person or persons, of the same; he, she or they so offending, shall on conviction thereof, by verdict, or confession on indictment, suffer such punishment, as in cases of larceny is provided to be inflicted.

Maiming or disfiguring

Whosoever on purpose, and of malice aforethought, by lying in wait, shall unlawfully cut out or disable the tongue, put out an eye, slit or bite the nose, ear or lip, or cut off or disable, any limb or member, with intention in so doing, to maim or disfigure such person; or shall voluntarily, maliciously, and of purpose, pull or put out an eye, while fighting or otherwise;

every such offender, his or her abettors, and counsellors, shall be sentenced to undergo a confinement in the gaol of the county, in which the offence is committed, for any time, not less than one month, nor more than six months: and shall also pay a fine, not less than fifty dollars, and not exceeding one thousand dollars; one fourth of which, shall be for the use of the Territory, and three fourths thereof, to the use of the party grieved; and for want of the means of payment, the offender shall be sold to service, by the court before which he is convicted, for any time not exceeding five years, the purchaser finding him food and raiment during the term.

Usurpation

No person shall take upon himself or exercise, or officiate, in any office or place of authority, in this Territory, without being lawfully authorized thereunto; and if any person shall presume so to do, he shall upon conviction thereof, be fined in a sum not exceeding one hundred dollars.

Assault and Battery

If any person shall unlawfully assault, or threaten another, in a menacing manner, or shall strike or wound another, he shall upon conviction thereof, be fined in a sum, not exceeding one hundred dollars, and the court before whom such conviction shall be had, may at their discretion, cause the offender to enter into recognizance with surety, for the peace and good behaviour, for a time not exceeding one year.

The foregoing is hereby declared to be a law of the Mississippi Territory this twenty eighth day of February anno domini one thousand seven hundred and ninety nine. In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law establishing a court of probate

There shall be appointed one judge of probate in each county; whose duty it shall be, to take the proof of last wills and testaments; and to grant letters testamentary, and letters of administration: and to do and perform every matter and thing, that doth, or by law may, appertain to the probate office; excepting the rendering definitive sentence and final decrees.

The Judge shall hold four sessions in each and every year, and may adjourn from time to time, or appoint a special sessions, and at such place in the county, as he may deem expedient, whenever the circumstances of the people may require it. In all cases wherein it shall be necessary to render a definitive sentence, or to render a final decree, and upon a point contested; the judge shall call to his assistance two of the justices of the court of common pleas of the same county; who, together with the judge, shall constitute the court of probate; a majority of whom, shall have power to render final sentences and decrees; in all matters cognizable before ~~the~~ said court; provided however, that from every definitive sentence, and from every final decree, rendered by the court, there may be an appeal to the supreme court of the Territory: the appellant giving bond, with two sufficient sureties, to prosecute his appeal with effect; which appeal, shall be entered upon the second day of the term, of the court appealed to, and next holden for the county, in which the appeal was taken.

The judge, previously to his entering upon the duties of his office, shall be sworn before the governor, to a true and faithful discharge thereof.

The judge shall record last wills and testaments, and make entries of the granting of letters testamentary, and letters of administration: he shall receive, put on file, and carefully preserve, all bonds, inventories, accounts and other documents, necessary to be perpetuated in his office.

All bonds that by this law are, or by law shall

be directed to be given in the court of probate, or probate office; shall be made to the judge, and shall be in trust, to, and for the use of all persons concerned, or having interest therein; and the benefit thereof, shall be extended from time to time, to, and for the relief of the party injured.

The judge shall deliver a certified copy of any bond, taken by him as aforesaid, to any person interested, and requesting the same; and he shall also produce the original bond in court, upon any trial, that shall be had for the breach of the conditions thereof, whenever required by such court; and upon refusal, or delay herein, the judge shall forfeit and pay, to the party injured treble damages.

The judge of probate in each county respectively when and so often as there shall be occasion, shall be, and hereby is empowered, to allow of guardians, that shall be chosen by minors of fourteen years of age; and to appoint guardians, for such as shall be within or under that age, taking sufficient security of such guardians, for the faithful discharge of their trust, and to account either with the Judge, or minor; when such minor shall arrive at the age of twenty one years, or at such time as the judge upon complaint made to him shall direct. And when any minor above fourteen years of age, shall be cited by the judge of probate, to choose a guardian, and such minor shall refuse, or neglect to appear; or when appearing shall refuse to choose a guardian, or any guardian chosen by such minor, shall be unable to give sufficient security, or shall refuse the trust; in every such case, the judge of probate, shall have the same power to appoint a guardian, as though such minor was under the age of fourteen years, provided nevertheless, that when a minor above the age of fourteen years, shall choose a guardian, such minor may have that choice certified to the judge, by a justice of the peace in the same county, which choice so certified, shall be deemed as good and valid, as if done in the said judges presence.

And it shall be in the power of the Judges of the probate of wills, within their respective counties, from time to time (upon request made by the friends or relations of any Idiot, non compos, or lunatic person, or by any overseer of the poor in the township, where such Idiot, non compos, or lunatic lives, or is an Inhabitant) by his writ, to direct the sheriff of the county, to summon twelve freeholders, good and discreet men, of the same township, to make inquisition

thereinto; and if the person said to be an idiot, lunatic or distracted person, shall be adjudged by such inquest (or the major part of them) to be incapable to take care of him or herself, and they shall certify the same, under their hands to the judge; the said judge of probate, shall be empowered to assign some suitable person or persons to be guardian or guardians, to such idiot, lunatic, non compos, or distracted person; directing and empowering such guardian or guardians, to take care of the person, and estate, both real and personal of such person, and to make a true and perfect inventory of the said estate, to be returned into, and filed in the probate office of such county.

And it shall be the duty of the guardian or guardians appointed as aforesaid, to improve frugally, and without waste or destruction; the estate of the idiot, non compos, lunatic or distracted person; and apply the annual income, and profits thereof, for the comfortable maintenance and support, of the said idiot, non compos, lunatic or distracted person, and also of his, or her household or family (if any such there be) and the said guardian or guardians, are hereby empowered to settle accounts, receive, (and if need be) to sue for, and recover all just debts, due to the said idiot, lunatic, non compos, or distracted person, from any person or persons whomsoever; and to manage, improve or divide the real estate, in as full and ample a manner as the said idiot, lunatic, non compos or distracted person, might or could, were they restored to the full use of their rational faculties: and shall be also subject to the payment of all just debts, owing by such person which were contracted before his or her distraction, out of their personal estate; or in case that be insufficient, then out of the real estate; in such way and manner as executors or administrators, may, or shall by law, be enabled to discharge the debts of deceased persons, when the personal estate, of such deceased persons shall be found insufficient. And in case any such idiot, lunatic, or distracted person, shall be restored to the use of his or her reason, the residue and remainder of the estate, real and personal, shall be returned and delivered to him or her; and in case of his or her death, to his or her heirs, executors or administrators; the guardian or guardians, having first such reasonable allowance out of the same for their charge and trouble, as the judge of probate shall order.

The judges of probate in their respective counties,

may also, as occasion may require; appoint guardians, for the children of lunatics, idiots, non compos or distracted persons in the same way and maner as though their parents were naturally dead.

And be it hereby enacted, that the guardian or guardians appointed as aforesaid, shall give bond to the judge of probate, for the time being in a reasonable sum, with sufficient sureties, for the faithful discharge of the trust reposed in them: and more especially, for the rendering a just and true account of their guardianship, when and so often, as they shall be thereunto required.

And it is further enacted, that executors, administrators, and guardians, shall not be compelled to plead specially to any action, or suit at law, brought against them, in their said capacity, but may under the general issue, give any special matter in evidence.

The foregoing is hereby declared to be a law of the Mississippi Territory this twenty eighth day of February anno domini one thousand seven hundred and ninety nine. In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law regulating Marriages

Male persons of the age of seventeen years, and female persons of the age of fourteen years, and not prohibited by the Laws of God, may be joined in marriage.

It shall be lawful for any of the Territorial Judges, or of the county court of common pleas in their respective counties, justices of the peace, ministers of any religious society or congregation, within the counties in which they are settled, or established as such, and the society of christians called quakers, in their public meetings, to join together as husband and wife, all persons of the above discription, who may apply to them, agreeably to the rules, and usage of the respective societies to which the parties belong.

Previously to persons being joined in marriage as aforesaid, the intention of the parties shall be made known, by publishing the same, for the space of fifteen days, at the least, either by the same being publickly and openly declared, three several Sundays, or other days of public worship, in the meeting, in the places nearest to where the parties respectively belong, or by publication in writing under the hand and seal of one of the judges before mentioned, or of a justice of the peace within the county, to be affixed in some public place, where the parties respectively dwell, or a licence shall be obtained of the Governor under his hand and seal, authorising the marriage of the parties without publication, as is in this law before required.

Male persons under the age of twenty one years, and female persons under the age of eighteen, shall not be joined in marriage, without first obtaining the consent of their fathers, respectively, or (in case of the death or incapacity of their fathers) of their mothers, or guardians, provided such parents or guardians live within the Territory.

Where persons not resident within the Territory, apply to be joined in marriage, the consent of fathers, mothers or guardians, shall be obtained in like manner as if they were citizens of the Territory.

A certificate of every marriage solemnized as aforesaid, signed by such person celebrating the same, or in case of quakers, by the clerk of the meeting, shall be by such person transmitted to the register of the county, wherein the marriage has been solemnized, within three months thereafter, to be entered on record by such register, an exemplification of which shall be evidence of such marriage.

If any judge, justice, clerk or others, by this law authorized to join persons in marriage shall perform the celebration thereof, contrary to the true intent and meaning of the same, the person or persons so offending, shall upon conviction thereof, forfeit the sum of one hundred dollars, to, and for the use of the Territory.

And if any judge, justice, minister or clerk as aforesaid shall neglect to transmit a certificate of such marriage to the register, as aforesaid, he shall upon conviction thereof, forfeit twenty dollars, to and for the use of the Territory.

The foregoing is hereby declared to be a Law of the Mississippi Territory: this twenty eighth day of February anno domini one thousand seven Hundred and ninety nine. In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

Pr Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law Respecting oaths of office

Every person appointed to any civil office in this Territory, and commissioned by the Governor, shall previously to his entering upon the exercise of his office, take the following oath viz.t 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.

And 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.t 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.

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.

The foregoing is hereby declared to be a law of the Mississippi Territory this twenty eighth day of February anno Domini, one thousand seven Hundered and ninety nine. In testimony of which we have undersigned our names, and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law concerning Defalcation

If two or more, dealing together be indebted to each other upon bonds, bills, bargains, promises, accounts or the like, and one of them commence an action in any court; if the defendant cannot gainsay the deed, bargain or assumption, upon which he is sued, it shall be lawful for such defendant to plead payment of all, or part of the debt, or sum demanded; and give any bond, bill, receipt or account in evidence: and if it shall appear, that the defendant hath fully paid, or satisfied the debt or sum demanded, the jury shall find for the defendant; and judgment shall be entered, that the plaintiff shall take nothing by his writ, and shall pay the costs. And if it shall appear, that any part of the sum demanded be paid, then so much as is found to be paid shall be defalked; and the plaintiff shall have judgment for the residue only, with costs of suit. But if it appear to the jury, that the plaintiff is overpaid, then they shall give in their verdict for the defendant, and withall, certify to the court, how much they find the plaintiff to be indebted, or in arrear to the defendant, more than will answer the debt, or sum demanded: and the sum or sums, so certified, shall be recorded, with the verdict, and shall be deemed a debt of record; and if the plaintiff refuse to pay the same, the defendant, for the recovery thereof, shall have a scire facias against the plaintiff, in the said action, and have execution for the same, with the costs of that action.

Provided always, that in all cases where a tender shall be made, and full payment be offered by discount, or otherwise, in such specie as the party by contract or agreement, ought to do, and the party to whom such tender shall be made, doth refuse the same, and yet afterwards will sue for the debt, or goods so tendered; the plaintiff shall not recover any costs in such suit.

Provided also, that in all cases, where the Plaintiff and defendant, having accounts to produce one against another, shall by themselves, or attornies, or agents; consent to a rule of court, for referring the adjustment thereof, to certain persons, mutually

chosen, by them in open court, (the award or report of such referrees being made according to the submission of the parties, approved of by the court, and entered upon the record or roll) shall have the same effect, and be deemed and taken to be as available in law, as a verdict given by twelve men, and the party to whom, any sum or sums of money, are thereby awarded to be paid, shall have judgment, or a scire facias, for the recovery thereof, as the case may require, and as is herein before directed, concerning sums found and settled by a jury.

The foregoing is hereby declared to be a Law of the Mississippi Territory; this twenty eighth day of February anno domini, one thousand seven hundered and ninety nine. In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law to regulate Taverns and retailers of Liquors, and concerning Indians.

For preventing disorders, and the mischiefs that may happen, by the multiplicity of public houses of entertainment, no person shall in future, have or keep any public Inn, tavern, alehouse, dramshop, or public house of entertainment in any county, town or place, within this Territory; unless such person or persons shall be first recommended by the justices, in their courts of general quarter sessions of the peace for counties respectively, to the Governor, for his licence for so doing, under the penalty of four dollars per day, for every day, on which the party offending, shall keep such public Inn, tavern, alehouse, dramshop, or public house of entertainment; to be recovered with costs, before any two justices of the peace, in an action qui tam: two thirds whereof shall go to the use of the Territory, and the other third to the prosecutor, suing for the same to effect.

No person licenced as aforesaid shall knowingly suffer any disorder, as drunkenness, or any unlawful games whatever: in such his, her or their houses, under the penalty of ten dollars for the first offence, to be recovered as aforesaid, and for the second offence, to be suppressed by the justices of the said respective courts; and no such Innkeeper, Tavern keeper or other person as aforesaid, shall presume to continue such public house of entertainment, of his or her own accord, after such suppression, or the expiration of his licence, as aforesaid, under the penalty of four dollars per day, to be recovered in manner aforesaid; two third parts whereof, shall go to the use of the Territory, and the remaining third to the party prosecuting.

All tavern keepers, and Inn keepers as aforesaid, shall provide and furnish good entertainment, and accommodations for man and horse, under the penalty of ten dollars, to be recovered in manner and for the uses aforesaid.

The Governor shall have and receive for every licence by him granted, pursuant to this law, to any person to sell wine and other liquors, the sum of eight dollars. And the person obtaining such licence

shall further pay to the clerk of the general quarter sessions, in open court, on receiving the reccommendation required by law; the sum of twenty five dollars, ~~for the~~ for the use of the county, and it shall be the duty of the said clerk, to make in court a fair and accurate entry, in a book or books to be kept for that purpose of every sum so received, and shall pay the counties part thereof into the county Treasury, within twenty days after the rising of the said court, taking the treasurers receipt as his voucher for such payment.

Provided always, that where the Governor or the person or persons he may choose to appoint, for issuing such licences, shall in any case see fit to refuse the same, the party so paying for such licence, shall have his, her or their money returned, by the clerk or Treasurer, as the case may be.

No reccommendation shall be issued by the Justices of the respective counties, in order to obtain licence from the Governor, for the keeping a public house, as directed by this law; before the person or persons desiring such reccommenation shall become bound to the Governor of the Territory, with security if required, in any sum not exceeding three hundred dollars, that he, she or they on obtaining such licence, shall at all times be of good behaviour, and observe all the laws, and ordinances which are, or shall be made, or be in force, relating to Innkeepers or tavern keepers, within this Territory. And whosoever shall keep a tavern, Inn or public house of entertainment, before he or she hath given bond as aforesaid, such person shall suffer the same penalty, as if the same had been done without licence.

No person or persons other than such as are or shall be qualified by this law, so to do, shall presume under any colour or pretence, to sell, barter with, or deliver, any wine, rum, brandy, or other spirits or strong water, bear, cyder or any mixed or strong liquors, to be used or drank, within his, her or their houses yards or sheds, or boats or vessels, lying at the shores of any of the rivers of this Territory, or to be with his, her or their knowledge, privity or consent, used or drank, in any shelters, places or woods, near or adjacent to them, by companies of servants, slaves or others; nor to retail or sell, to any person or persons, any rum, brandy or other spirits or strong water, by less quantity or measure than two quarts, nor any wine by less quantity or measure, than two quarts, now any beer, ale or cyder, by any quantity less than five gallons: the same liquors being respectively delivered

to one person, and at one time, without any collusion or fraud, contrary to the true intent and meaning of this law. Every person offending herein, shall pay a fine of twenty dollars, on conviction, by information or indictment, to the use of the proper county.

No person or persons, keeping a public house or inn, shall trust or give credit, to any person, for liquors, or any other Inn or tavern reckonings, in any sum exceeding twenty dollars, under the penalty of forfeiting and losing such debt. And if any innholder or keeper of a public house, or any retailer of liquors shall receive, harbour, entertain or trust, any minor under the age of twenty one years, or any servant knowing them or either of them to be such; or after having been cautioned or warned to the contrary, by the parent, guardian, master or mistress of such minor or servant, in the presence of one or more credible witnesses, such innholder, keeper of a public house, or retailer of liquors, so offending; shall, for the first offence, being duly convicted thereof, forfeit and pay, the sum of ten dollars for every such offence, over and above the loss and forfeiture of any debt such minor or servant shall or may contract for liquors or entertainment: and upon conviction for the third offence, the licence obtained by such offender, is hereby declared null and void: and the person so repeatedly offending, shall forfeit and pay the sum of fifty dollars on conviction by information or indictment, to the use of the Territory, and be forever after incapable of keeping a public house or inn within the same.

No person shall by any means presume to furnish, supply or sell, to any bond servant or slave, any rum, brandy, spirits or any other strong liquors or strong water, mixed or unmixed, either within or without doors; nor shall receive, harbour or entertain any slave or servant, in, or about his, her or their houses, without special permission, had or obtained, under the hand of the master or mistress of such slave or bond servant respectively, under the penalty for the first offence, of eight dollars, and for every succeeding offence twelve dollars; to be recovered before any one justice of the peace of the county where the offence is committed, on the proof of one or more credible witnesses, or upon the view of any justice within the respective counties, where the fact shall be committed.

If any person or persons, keeping a public house or Inn, or retailing liquors as aforesaid, shall trust or credit any person for liquors retailed, or

other expenses above twenty dollars as aforesaid; or shall presume to sue any such person; or shall arrest or attach any bond servant, for any debt contracted for liquors or accommodations, knowing such person to be a servant, and after he, she or they have been warned, or cautioned not to entertain such bond servant as aforesaid; all such actions and suits shall abate; and the person sued, and the master or mistress, in behalf of such bond servant or the Servant him or herself being sued as aforesaid, shall and may plead this law in bar: and thereupon the plaintiff in such suit, shall become nonsuit, and pay double costs. If any tavernkeeper, or other person or persons, shall expose, permit or suffer, to be played at, in his or her dwelling house, or in any out house, or within or under any booth, arbour, shed or other place pertaining to such dwelling house, or being in his or her tenure or possession, any Billiard, Faro, E O, Hazard or other gaming tables, or any other machine, instrument, device or invention whatsoever, by reason whereof, money or other property, shall be betted, won or lost, or whereby he or she, shall derive any benifit or advantage, in money or other property, as a consideration for permitting others to play or bet thereat without a licence first had and obtained, in manner as is herein before prescribed for tavernkeepers for which there shall be paid unto the Governor eight dollars, and sixty to and for the use of the county wherein the licence is granted then and in every such case the party so offending, shall forfeit and pay to the use of this Territory, the sum of one hundered dollars, for the first offence, and two hundered dollars, for the second and every succeeding offence, to be recovered with costs by information, indictment or action of debt in any court of record where the same shall be cognizable. Provided that where any person shall within three months of the cause of action first institute an information Qui Tam, or bring an original action of debt, to recover such penalties; and shall prosecute the same to effect without delay or discontinuance: such person shall be entitled to receive, and have a moiety of such penalty the other moiety thereof shall go to the use of the Territory.

If any person or persons residing in, coming into, or passing through the Mississippi Territory, or any part thereof, shall presume to furnish, vend, sell or give; or shall direct or procure to be furnised, vended, sold or given, upon any account, whatever, to any Indian or Indians, being within this Territory, any rum, brandy, whiskey or other intoxicating liquor or drink, without special permission in writing from the

Governor, as superintendent of Indian affairs, he or she so offending shall forfeit and pay, for every quart of such liquor, or such liquor or drink so furnished, the sum of ten dollars: and for every quantity furnished at one time less than a quart the sum of five dollars; to be recovered and appropriated in manner as is provided for in the preceeding section.

If any person or persons, shall purchase of any Indian or Indians in this Territory, any animal or animals, usually domesticated in the same, or the flesh of such animals killed, or any other article (venison, peltry or wares of their own manufacture excepted) such person or persons shall upon conviction thereof, before any court having cognizance of the same, forfeit and pay, to the use of this Territory, fourfold the value of the article so purchased, together with costs of suit.

The several fines imposed by this law, shall on conviction, be levied by execution on the offenders goods, or his, her or their persons, shall be committed to the county goal, until the same be paid. And all fines and forfeitures recovered by virtue hereof, which are not otherwise appropriated by this law, shall be applied to the use of the Territory.

The foregoing is hereby declared to be a law of the Mississippi Territory, this twenty eighth day of February, anno domini one thousand seven hundred and ninety nine. In Testimony of which we have undersigned our names and caused the public seal to be thereunto affixed

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law Respecting Sheriffs, Coroners, Recorders and Treasurers.

Sheriffs

Each and every sheriff who may be appointed within this Territory, shall take the oaths of allegiance to the united States, and of office, and shall give bond with two sufficient sureties, in the penal sum of four thousand dollars, for the faithful discharge of the duties of his office.

The duties of each sheriff shall be, to keep the peace, by causing all offenders against law, in his view, to enter into recognizances with sureties, for keeping the peace, and appearing at the next general quarter sessions in the same county, and to commit in case of refusal; and which recognizances shall by the said sheriff be returned and certified before the said quarter sessions. It shall also be his duty to quell and suppress all affrays, routs, riots, and insurrections; and for which end he shall, and is hereby impowered, to call to his aid the power of the county. He shall pursue, apprehend, and commit to gaol, all felons, and Traitors; he shall execute all warrants, writs, and other process, which by law shall appertain to the duties of his office, and which shall be directed to him by legal authority. He shall duly attend upon all courts of record, at their respective terms or sessions in his county.

Coroners

Each and every coroner, who may be appointed within this Territory, shall be sworn to a faithful discharge of his office, and shall give bond in the sum of two Thousand dollars, with two sureties, for the due performance of the same, before he enters upon the duties thereof.

And it shall be the duty of the coroner, by a jury of the county, to enquire concerning the death of a person slain, who dies suddenly, or in prison; and his inquisition so taken he shall certify to the next supreme court holden within the county, or to the court of general quarter sessions of the peace holden for the county.

And it shall be the duty of the coroner, to execute process of every kind wherein the sheriff is a party or interested in the suit, or for other just cause is by law rendered incapable to execute the same.

And in case the sheriff shall for any cause be committed to gaol, the coroner shall by himself or such person as he shall appoint, be keeper of the gaol, during the time the sheriff shall remain a prisoner.

Recorders

Each and every recorder who may be appointed, within this Territory, shall keep an office in such place as the governor may direct, to be stiled a Recorders office: and the recorder shall duly attend the service of the same, and at his own proper costs and charges, shall provide parchment or good large Books of royal or other large paper, well bound and covered; wherein he shall record in a fair and legible hand, all deeds and conveyances, which shall be brought to him for that purpose, according to the true intent and meaning of this law.

And all deeds to be recorded in pursuance of this law, whereby any estate of Inheritance in fee simple, shall hereafter be limited to the grantor or his heirs, the words grant, bargain, sell, shall be adjudged an express covenant to the grantee, his heirs and assigns, to wit; that the grantor was seized of an indefeasible estate, in fee simple, freed from incumbrances, done or suffered from the grantor, (except the rents and services that may be reserved) as also for quiet enjoyment against the grantor his heirs and assigns; unless limited by express words contained in such deed, and that the grantee, his heirs, executors, administrators and assigns, may in any action, assign breaches, as if such covenants were expressly inserted. Provided always, that this law shall not extend to leases at rack rent, or to leases not exceeding one and twenty years where the actual possession goes with the lease.

If any person shall forge any entry of the acknowledgments, certificates or indorsments, whereby the freehold or inheritance of any man may be charged, he shall be liable to the penalties against forgers of false deeds. And if any person shall perjure himself in any of the cases herein above mentioned, he shall incur the like penalties as if the oath or affirmation, had

been in any court of record.

Every mortgagee of any real or personal estates, in this Territory, having received full satisfaction, and payment, of all such sum or sums of money, as are realy due to him by such mortgage; shall, at the request of the mortgagor, enter satisfaction upon the margin of the record of such mortgage, recorded in the said office: which shall for ever thereafter, discharge, defeat, and release the same, and shall likewise bar all actions brought, or to be brought thereupon.

And if such mortgagee, by himself or his attorney, shall not within three months after request and tender made, for his reasonable charges, repair to the said office, and there make acknowledgment as aforesaid: he, she or they, neglecting so to do, shall for every such offence, forfeit and pay unto the party or parties aggrieved, any sum not exceeding the mortgage money: to be recovered in any court of record, by bill, plaint or information.

Before the recorders enter upon their respective duties, they shall become bound to the Governor and his successors, with one or more sufficient sureties, in a bond for fifteen Hundred dollars: conditioned for the true and faithful discharge of the Duties of their office, and for delivering up the records, and other writings belonging to the said office, whole, safe, and undefaced, to their successors in the said office, which said respective bonds, shall be filed in the secretarys office, and there safely kept, in order to be made use of, for making satisfaction to the parties that shall be damnified, or aggrieved as is or shall be in such cases directed by law.

And no recorder under this law, shall enter upon, or officiate as such, before he hath given security as aforesaid; upon pain of forfeiting the sum of three Hundred dollars; one half to the Territory, and the other half to him or them, that shall sue for the same; to be recovered as aforesaid.

All deeds and conveyances, which shall be made and executed within this Territory, of, or concerning any lands, tenements, or hereditaments therein, or whereby the same may be any way effected, in law or equity, shall be acknowledged by one of the grantors or bargainors, or proved by one or more of the subscribing witnesses, to such deed, before one of the judges of the supreme court, or before one of the

justices of the court of common pleas, or quarter sessions of the peace, of the county where the lands conveyed do lie: and shall be recorded in the recorders office, of the county where such lands or hereditaments are lying and being, within twelve months, after the execution of such deeds or conveyances: and every such deed and conveyance that shall at any time after the publication hereof, be made and executed, and which shall not be proved and recorded as aforesaid, shall be adjudged fraudelent and void against any subsequent purchaser, or mortgagee for valuable consideration: unless such deed or conveyance be recorded as afforesaid, before the proving and recording of the deed of conveyance, under which such subsequent purchaser or mortgagee shall claim.

Where the grantors and witnesses of any deed or conveyance are deceased, or cannot be had, it shall and may be lawful to and for the judges of the supreme court, or any justice of the court of common pleas of the county where the lands lie, to take the examination of any witness or witnesses, on oath or affirmation to prove the hand writing of such deceased witness or witnesses: or where such proof cannot be had, then to prove the hand writing of the grantor or grantors; which shall be certified by the judge of justice, before whom such proof shall be made; and such deed or conveyance being so proved, shall be recorded as usual in other cases directed above by this law.

Every recorder shall keep a fair book, in which he shall immediately make an entry of every deed or writing, brought into his office to be recorded; mentioning therein the date, the parties, and the place where the lands, tenements or hereditaments, granted or conveyed by the said deed or writing are situate: dating the same entry on the day in which such deed or writing, was brought into his office; and shall record all such deeds and writings, in regular succession, according to their priority, or time of being brought into the said office; and shall also immediately give a receipt to the person bringing such deed, or writing to be recorded, bearing date on the same day with the entry, and containing the abstract aforesaid; for which entry and receipt he shall take or receive no fee or reward whatever. And if any recorder shall record any deed or writing before another first brought into his office to be recorded, or in any other manner than is herein directed; or shall neglect or refuse to make such an entry, or to give such a receipt as is herein before directed; or shall directly or indirectly, take or receive any fee or reward for such entry and receipt, or either of them; he shall forfeit and pay,

for every such offence, a sum not exceeding three Hundred, nor less than one Hundred dollars: one half to the use of the Territory and the other half to the use of him or them that shall sue for the same: to be recovered in any court of record, by action of debt, bill or plaint; wherein no essoin, protection, or wager of law, or more than one Imparlance shall be granted.

Treasurers.

It shall be the duty of the county Treasurers, who may be appointed to receive and keep for the use of the proper counties or Territory, all fines, dues, and amerciaments, forfeitures, revenues, and emoluments, which are, or may hereafter be due, given, coming or accruing, to the use and benifit of the same: according to the laws, rules, regulations or government of the Territory.

They shall from time to time pay, and appropriate such sum or sums of money, as may come to their Hands as Treasurers, in the manner and form, and on such occasions as shall be by law directed. And for the faithful discharge of their duty as Treasurers, they shall give bonds to the Governor and his successors, with two sufficient sureties, in the penal sum of three Thousand Dollars.

The said Treasurers shall keep fair and proper books of entries and accounts, of all monies received, and of the rates and assessments made or to be made, and also of their disbursements and payments: which books and accounts, they shall lay before the legislature of the Territory, or the Governor in the recess of the legislature, and settle their accounts with him, or that body, as often as they shall be thereunto required.

The said Treasurers shall have power, and are hereby authorised, to demand of, and to sue, and prosecute to judgment and effect, by means of the attorney prosecuting the pleas of the United States, every person having in possession, and neglecting to pay the same when due, and owing to the Territory, or counties thereof, any sum of money accruing to, or received for the use, either of the counties or Territory. And for this purpose they shall be furnished by the clerks, of the several courts of justice respectively, once in every year with authenticated extracts from the records and dockets of their respective courts, of all forfeitures, fines, amerciaments eschoats, judgments, and orders, entered in such courts whereby

monies may be accruing or arrising to the use of the counties or Territory. And if any clerk as aforesaid, shall neglect his duty herein, he shall be liable to pay a fine to the use of the Territory, in the discretion of the court where tried, not exceeding two Hundred Dollars, to be levied by complaint of any Treasurer, or of any attorney prosecuting the pleas of the United States, and conviction thereon had, in the supreme court of the Territory, or in any of the courts of General quarter sessions of the peace in the respective counties.

If any Treasurer shall be removed from office, he shall deliver up to his successor, all the books, public accounts, and papers, belonging to his office, whole, intire and undefaced, under the penalty of three Thousand dollars, to be recovered in manner and for the uses herein before mentioned. And where any Treasurer hath been removed by death, the executors and administrators, of such decedent, shall deliver in like manner all the books, and public papers relative to the said public accounts to the succeeding Treasurer, under the same penalties, and to be recovered and appropriated, as aforesaid. And it is provided, that if a Treasurer General should be appointed, it shall be his special duty, to receive and keep in the Treasury of the Territory, for the use of this of this Territory; all dues, fines, amerciaments, forfeitures, revenues, and emoluments, which are, or hereafter may be due, given, coming, or accrueing to the use and benifit of the Territory. And to this end the county Treasurers, shall pay into his hands, all monies which they may be possessed of, and belonging unto this Territory; which, and all other monies, that may come to his hands, he shall pay, or cause to be paid, in the manner, and to the purposes directed by law. And he shall have the same powers, and authority to enforce the payment of all dues, to the Territory, as is herein before vested in the county Treasurers. He shall keep fair books of entries and accounts, of all monies, which may have come to his hands as Treasurer General, and also of all monies paid out of the general Treasury, to whom and for what purpose paid; and be governed in the settlement of his accounts, by the same rules as are provided for the county Treasurers, He shall also be liable to the same penalties in defaults, as the said county Treasurers, and become bound for the faithful discharge of his duty, as Treasurer General, in the penal sum of four Thousand Dollars, with two sufficient sureties unto the governor and his successors in office.

The Treasurers shall and may retain for their own

use, out of all public monies which shall come to their hands, as a full compensation for all services and expences incidental to their office, a sum after the rate of six per centum and no more

The foregoing is hereby declared to be a law of the Mississippi Territory this Twenty, eighth day of February anno domini one thousand seven hundred and ninety nine: In testimony of which, we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law to prevent Trespasses in divers cases

If any person shall cut down carry away or destroy any cypress, Black walnut or cherry Tree upon Land not his own, without having the consent of the owner, he shall forfeit to the owner thereof, eight dollars for every such tree so cut, carried away or destroyed, and for every other tree so cut, carried away or destroyed the sum of three dollars.

If any person shall throw down or open any bars or Gates, fence or fences belonging to, or inclosing lands not his own, or shall dig up or carry away any roots, fruit or plants. - or shall cut down or carry away any cotton, corn, oats or rye, standing, lying or being on any land not his own; or shall take or carry away from any landing place whereof he is not a proprietor or owner any boat, water craft or goods or wares whatever, wherein he hath no interest, without the leave of some person who has interest therein, or shall wilfully injure any building not his own, he shall for each and every such offence forfeit and pay to this Territory, a fine not less than two nor more than Twelve Dollars, to be recovered upon complaint before any justice of the peace in the county where the offence was committed, and shall be liable to answer in damages to the party injured.

If any person shall wilfully destroy, break or pull down, injure or deface any public Building, monument, Instrument of writing, or other Instrument or Machine erected or set up by authority, without being duly empowered so to do, the person so offending shall forfeit and pay for each offence, a fine not less than Twelve dollars nor more than three Hundered dollars, to the use of this Territory, to be recovered by Information or Indictment in any court of record having cognizance of the same, and be further liable to answer in damages as aforesaid. And if any person on being sentenced to pay any of the fines aforesaid shall be unable to pay the same, the court passing sentence may order such person to be publicly whipped not exceeding thirty nine stripes, or be imprisoned not exceeding six months and to find sureties for his good behaviour for the term of

one year.

When any of the Tresspasses before named shall have been committed upon any Buildings or other property of a particular county it shall be the duty of the Treasurer thereof to institute an action and prosecute for damages the district may have thereby sustained.

And it is provided, that nothing in this law, shall be construed to prevent the removing of any incumbrances, which may be in the high way: under the order and direction of any person, who may be legally authorised, to superintend the same, or to prevent any prosecution for a Theft, where a Theft is committed.

The foregoing is hereby declared to be a law of the Mississippi Territory this nineteenth day of march Anno domini one Thousand seven Hundred and ninity nine. In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law concerning Aliens and contagious Diseases

To prevent the admission of Foreigners of Infamous character into this Territory, and the evils to be apprehended from the residence herein, of persons owing no allegiance to the United States, the Governor is authorised from time to time by proclamation or otherwise to require sufficient Testimonials of the good reputation of Aliens offering to come within the Territory. And from them, and all others not owing allegiance to the United States, and residing within this Territory, whom he shall have reasonable grounds to suspect of being concerned in any Treasonable or secret machinations against the Government, he may demand bonds, with sureties, for their good behaviour in any penal sum (sufficient in the opinion of a Territorial Judge) and in case of refusal, or inability to give the same, he may compel them to depart the Territory, or commit them to prison.

And it shall be the duty of each and every alien within this Territory immediately after the publication of this law, to make report of himself in writing to some one of the conservators of the peace, specifying therein his age, place of nativity, the country whence he came, the nation to which he belongs and owes allegiance, his occupation, and the arms and ammunition that he is possessed of, and every alien who shall neglect or refuse obedience to this law, shall be fined in a sum not exceeding three Hundred dollars, to and for the use of this Territory, to be recovered by information or Indictment in any court of record having cognizance of the same.

And to provide as far as possible against the fatal calamities of contagious diseases, which have so frequently desolated great Towns and cities in the United States, and extended their baneful influence to the smaller settlements; it is declared lawful for the Governor, upon information from any physician within this Territory, that the plague, yellow Fever, or small pox, or other contagious desorder, is at any house in the Town or country, or on board any boat or vessel at or near the shores of the said Territory, to take such measures to prevent a communication of the infaction, and for the aid and comfort

of the sick as he shall deem meet. And all expences incurred in the prosecution of this humane Intention, may in the first instance be made by the Territory, and upon the warrant of the Governor: whenever there shall be monies sufficient in the Territorial Treasury; but in all cases the said expences shall be reimbursed by the proper persons, being of ability to pay the same.

The foregoing is hereby declared to be a law of the Mississippi Territory, this Eighteenth day of March anno domini one Thousand seven Hundered and ninety nine: In Testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law for the regulation of Slaves

No slave shall go from the tenements of his master, or other person with whom he lives, without a pass, or some lotter or token, whereby it shall fully appear that he is proceeding by authority, from his master, employer or overseer; if he does it shall be lawful for any person to apprehend, and carry him before a justice of the peace, to be by his order punished by stripes or not, in his discretion.

If any slave shall presume to come, and be upon the plantation, of any person whatsoever, without licence in writing from his or her owner or overseer, not being sent upon lawful business, it shall be lawful for the owner or overseer of such plantation, to give or order such slave, ten lashes on his or her bare back for every such offence.

No negro, or mulatto whatsoever, shall keep or carry any gun, powder, shot, club, or other weapon whatsoever, offensive or defensive, but all and every gun, weapon and ammunition found in the possession, or custody of any negro or mulatto, may be seized by any person, and upon due proof thereof made before any justice of the peace, of the county where such seizure shall be, shall by his order be forfeited to the seizor, for his own use, and moreover every such offender shall have and receive, by order of such justice, any number of lashes not exceeding thirty nine, on his or her bare back, well laid on for every such offence.

Provided nevertheless, that the commanding officers of legions, may grant in their respective counties, permission in writing to any free negro or mulatto, being a house keeper, to carry arms and ammunition, for any time, not exceeding twelve months and revocable at pleasure; and to any slave or slaves, the like priviledge, on application of their owner, shewing sufficient cause, in the opinion of the said commanding officer, why such indulgence should be granted. And the commanding officers of legions, shall make report to the commander in chief, within one month after the date, of all licences granted in pursuance of this law.

Riots, routs, unlawful assemblies, trespasses and seditious speeches, by a slave or slaves, shall be punished with stripes not exceeding fifty, at the discretion of a justice of the peace, and imprisonment for one month, and he who will, may apprehend and carry him, her or them before such justice.

And to prevent the inconveniencies arrising by the meetings of slaves. Be it further enacted, that if any master, mistress, or overseer, shall knowingly permit or suffer, any slave not belonging to him or her, to be and remain upon his or her plantation, above two hours at one time, without leave of the owner or overseer of such slave, he or she so permitting, shall forfeit and pay four dollars for every such offence; and every owner or overseer of a plantation, who shall so permit or suffer, more than five negroes or slaves, other than his or her own, to be, and remain upon his or her plantation or quarter, at any one time, shall forfeit and pay two dollars for each negro or slave, above that number, which said several forfeitures shall be to the informer and recoverable with cost before any justice of the peace of the county, where such offence shall be committed

Provided always, that nothing herein contained, shall be construed to prohibit the negros or slaves of one and the same owner, though seated at different quarters, from meeting with their owners or overseers leave, upon any plantation to such owner belonging; nor to restrain the meeting of slaves on their owners or overseers business, so as such meeting be not in the night, nor to prohibit their meeting on any other lawful occasion, by licence in writing from their owner or overseer.

If any white person, free negro, or mulatto, shall at any time be found in company with slaves, at any unlawful meeting, or shall harbour or entertain any slave, without the consent of his or her owner, such person being thereof convicted before any justice of the peace, shall forfeit and pay ten dollars for every such offence, to the informer with costs, recoverable before such justice; or on failure of present payment, shall receive on his or her bare back, twenty lashes well laid on, by order of the justice before whom such conviction shall be.

And every justice of the peace, upon his own knowledge of such unlawful meeting, or information thereof to him made, within ten days after, shall issue

his warrant to apprehend the persons so met, or assembled, and cause them to be brought before himself, or any other justice of his county, to be dealt with as this act directs; and every justice failing herein, shall forfeit and pay twenty dollars for every such failure. And every sheriff who shall fail, upon knowledge or information of such meeting, to endeavour to suppress the same, and bring the offenders before some justice of the peace, to receive due punishment, shall be liable to the like penalty of twenty dollars; both which penalties shall be to the informer, and recoverable with costs, before any court of record, having cognizance of the same. And every under sheriff or constable who upon knowledge or information of such meeting shall fail to perform his duty in suppressing the same, and apprehending the persons so assembled, shall forfeit and pay ten dollars, for every such failure to the informer, recoverable with costs before any justice of the county wherein such failure shall be.

No person whatever shall buy, sell or receive, of, to, or from any slave, any coin or commodity whatsoever, without the leave or consent of the master, owner, or overseer, of such slave in writing, expressive of the article so permitted to be bought, sold or bartered: and if any person shall presume to deal with any slave, without such leave or consent, he or she so offending, shall forfeit and pay, to the master or owner of such slave, four times the value of such article so bought, sold or exchanged, with full costs by action upon the case, in any court of quarter sessions in this Territory, where the sum shall amount to twelve dollars or upwards, otherwise to be recovered by way of warrant, before any justice of the peace of the county in which the matter shall have originated, and shall also forfeit and pay the further sum of ten dollars, to any person who shall sue for the same, with costs, before any justice of the peace: or on failure or refusing so to pay, shall by order of such Justice, be committed to prison, until he or she make such payment; and any slave offering to sell without such permit, shall receive ten lashes, by order of any justice of the peace, before whom he or she is convicted.

If any negro or bond mulatto, shall at any time, lift his or her hand in opposition to any person not being a negro, or mulatto, he or she so offending, shall for every such offence, upon conviction before a Justice of the peace, of the county where such

offence shall be committed, receive thirty lashes on his or her bare back, well laid on, by order of such Justice.

It is hereby declared unlawful for any owner of slaves within this Territory, to licence them to go at large to trade as if free, in consideration of stipulated wages, to be paid by such slaves; and if any slave shall be so found going at large, either trading, or offering his or her service for hire, with his or her masters or owners consent, such master or owner, so permitting, shall forfeit and pay, for every such offence, the sum of twenty dollars, to be recovered by action of debt in any court of record within this Territory, and applied towards lessening the county levy, where such slave shall be found trading, or offering his or her service as aforesaid.

All runaway slaves may be lawfully apprehended, by any person, and carried before the next justice of the peace, who shall either commit them to the county Goal, or send them to their owners if known, who shall pay for every slave so taken, the sum of six dollars, to the taker up, and also all reasonable costs and charges. And in order to establish, what slaves shall be considered as runaways; if any slave shall absent him or herself from his or her usual place of residence, or owners service without leave, the master, mistress or overseer, shall be obliged to give in to the next justice of the peace, the name, with a description of the person of such slave, within one week after such slave shall have absented him or herself: All such slaves, so reported, shall be considered as runaways, and the taker up shall be intitled to the above reward. And if any master, mistress or overseer, shall neglect to give in the information above required, such master, mistress or overseer, shall forfeit and pay, one dollar for each day, that such information shall have been omitted; which penalty shall be recoverable before any Justice of the peace, by such person as shall sue for the same.

All slaves are prohibited from keeping dogs, under any pretence or consideration whatsoever: and the slave or slaves so offending, upon complaint thereof, before any justice of the peace, shall be punished with ten stripes for every such offence: and the master or owner, who shall permit his slaves to keep dogs, contrary to this law, shall forfeit and pay the sum of five dollars, for each and every dog so kept, to and for the use of the person complaining: and moreover, shall make good all damages done

by dogs appertaining to, or kept by any of his, her or their slaves.

No slave shall be allowed to own any horse, mare or gelding, and any slave actually owning or having such property; shall before the first day of June next ensuing, sell and dispose of it under penalty of forfeiture and sale; one moiety of the proceeds, for the use of the Territory, and the other moiety to any person who shall sue for the same. It is also forbidden to slaves to keep hogs running at large, and to keep more in inclosures than they can conveniently maintain, the number of which to be regulated by their several owners, and to be destinctly marked, and a rigister thereof made for the inspection of any person, who shall claim to see the same.

And whereas, it has been the humane policy of all civilized nations, where slavery has been permitted, to protect this useful but degraded class of men, from extreme cruelty, and oppression. Be it further enacted, that no cruel or unusual punishments shall be inflicted on any slave within this Territory: and any owner of slaves authorising or permitting the same, shall on conviction thereof before any court having cognizance, be fined according to the nature of the offence, and at the discretion of the court in any sum not exceeding one hundered dollars to and for the use of the Territory.

The foregoing is hereby declared to be a law of the Mississippi Territory: this thirteith day of march, anno domini one thousand seven hundered and ninety nine. In testimony of which we have undersigned our names, and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law establishing and regulating the fees of the several officers and persons therein named.

No officer or person shall at any time exact or demand, for services hereafter to be rendered, any larger or other fee, than as hereinafter is provided; other than such as may by any future law be allowed.

In the supreme court. Judges fees.

For allowing a writ of error, one hundred cents.

For every supersedeas, fifty cents.

Taking bail, fifty cents.

Filing every bail peice or recognizance, sixteen cents.

Signing every writ of habeas corpus, procedendo, certiorari, or probibition, fifty cents,

For taking an affidavit, sixteen cents.

Admitting a counsellor at law, or an attorney, two hundred cents, to be paid to the judge or judges present at the admission.

The judge licensing a counsellor at law, or an attorney, four hundred cents.

Taxing a bill of costs, one hundred cents.

Signing judgment, thirty three cents.

In every cause, to be paid on the first motion, unless criminal, seventy five cents, to be divided among the Judges.

Attending on ballotting or striking a jury or both, seventy five cents.

Every attendance on motion, or argument, or special matter at his chambers, and on examining a witness, seventy five cents.

Mississippi Territory

(Seal)

Every certificate, or order upon a law, for relief of insolvent debtors, fifty cents.

Every warrant, order, report or certificate upon the law relating to absconding debtors, fifty cents.

Every appointment of trustees, fifty cents.

Taking the acknowledgment of a deed, sixty six cents.

Every justification or allowance of bail, fifty cents.

Attorney General's fees,
in the supreme court.

Entering every cessat processus, or nolo prosequi, for each defendant, seventy five cents.

Every process or indictment, or other common writ, per sheet, twenty five cents.

Drawing every indictment, or information in general, one hundred cents.

Copying and engrossing the same, sixty six cents.

Drawing all special indictments and pleadings, per sheet of seventy two words, twenty five cents.

A copy thereof, as aforesaid, per sheet, twelve and a half cents.

Every motion in court, seventy five cents.

Fee on trial, demurrer, special verdict, or in error, or in pleas confessed, four hundred cents,

Every warrant to acknowledge satisfation on record, one hundred cents.

For the trial of every capital cause where life is concerned, ten Dollars, for the whole prosecution, except drawing the indictment or information.

For the trial of every other matter, by bill of

indictment, or information, Six Dollars.

And if the defendant shall by habeas corpus, certiorari, or otherwise, remove any indictment or information, from any court of General quarter sessions, before the judges of the supreme court; the attorney general, shall for his services in drawing the indictment, and prosecuting the same, have the sum of ten Dollars.

On all other proceedings, the like fees as are hereinafter allowed, for the like services, to practitioners in the supreme court.

Counsellors and attornies fees, in the supreme court

For retaining fee, four Dollars. But where several suits are brought upon one bond or note, no more than one retaining fee shall be allowed.

Warrant of attorney, thirty six cents.

Drawing all processes and returns, sixteen cents.

Every term fee, one hundred cents. But no more than three to be allowed, unless the party caused that terms delay, for which it is charged.

Drawing bonds to prosecute, affidavits, pleadings, adjournments, suggestions, and other necessary entries, each sheet of seventy two words, twenty five cents.

Copies on paper, per sheet, eight cents.

Every motion, seventy five cents.

Arguing every special motion, one hundred and sixty six cents.

Fee on trial, or inquest in error, one hundred and seventy five cents.

Service of a declaration in ejectment, the same as service of process by sheriff.

Fee for arguing of demurrer or special verdict, such sum as shall be allowed in the discretion of the judge who shall tax costs.

A brief and copy or copies, thereof, one hundred and thirty three cents.

Drawing up the judgment, one hundred cents.

Every continuance twenty five cents.

Drawing a nolo prosequi, or retraxit, fifty cents.

Entry thereof, twenty five cents.

Every notice and copy, forty cents.

Attendance on balloting or striking a jury, or both, seventy five cents.

On examining a witness, sixty six cents.

On taxing a bill, thirty three and one third cents.

On giving or accepting to bail, thirty three and one third cents.

Attending a judge on other ordinary service, thirty three and one third cents.

Service of notice, ever article or rule, twenty five cents.

Service of copy of the declaration and rule to plead, twenty five cents.

Copy of bill of costs to be taxed, delivered to the opposite party, fifty cents. if before issue joined or judgment, but if afterwards, one hundred cents.

The Clerk of the Supreme Court's fees in civil causes.

For sealing a writ, entering the same, filing ticket, and entering on the docket, thirty six cents.

Filing a declaration, sixteen cents.

Entering an appearance, sixteen cents.

Filing all other pleadings, each, sixteen cents.

Entering every rule, twenty five cents.

Swearing and empanneling a jury, thirty three and one third cents.

The return of a writ and filing the same, sixteen cents.

Swearing each witness, nine cents.

Swearing a constable, nine cents.

Reading each writing on evidence, sixteen cents.

Filing the roll, sixteen cents.

Taking the jurys verdict, and entering the same in the minutes, twenty five cents.

Special verdict, drawing or engrossing, per sheet, sixteen cents.

Entering judgment, thirty three and one third cents.

A retraxit or discontinuance, sixteen cents.

Copies of records or the pleadings, per sheet, each sheet containing seventy two words, sixteen cents.

Attending and striking a special jury, and delivering a copy thereof to each party, one hundred cents.

Filing an affidavit, or other paper on request, twelve and a half cents.

Entering satisfaction on record, twenty five cents.

Searching the records within a year, twenty five cents. and for every year back, nine cents.

Drawing recognizance of bail, thirty three cents.

Every continuance, fifty cents.

Drawing all writs or process, when requisite for every seventy two words, twenty five cents.

Entering issue joined, sixty six, and two thirds cents

Venire facias, sixty six and two thirds, cents.

Drawing cost bill, when the cause dies before issue joined, fifty cents.

Drawing cost bill, after trial, sixty six and two thirds cents.

Every trial, sixty six and two thirds cents.

Every rule of reference, for trial, to shew cause, to take depositions, to give security for costs, for persons out of the Territory, twenty four cents.

Copy of the same if required, thirty three and one third cents.

Calling plaintiff or defendant, and entering default in his appearance, thirty three and one third cents.

Commission to take deposition out of the Territory, one hundred cents.

In criminal causes. Where the services are done at the request of the defendant, or where he enters a nolo contendere: or, on voluntary composition, has his fine mitigated, or where the service is for the ease of the defendant, or prisoner, or by order of the court; for every appearance, sixteen cents.

The discharge of any person upon bail, sixteen cents.

Every imparlance to an indictment, sixteen cents.

Drawing process, against any person upon an information or other process, sixty six and two thirds cents.

The plea to an indictment or information, nine cents.

Reading the indictment, information, or record, nine cents.

Swearing every witness on trial, nine cents.

Engrossing judgment on information, twenty five cents.

Respiting every recognizance, twelve and a half cents.

Taking a recognizance, sixty six and two thirds cents, and entering thereof.

Copies of all indictments, informations, and pleadings, per sheet, each sheet seventy two words, sixteen cents.

Relinquishing a plea, sixteen cents.

A submission, sixteen cents.

Judgment thereon, sixteen cents.

A copy of the traverse, sixteen cents.

Every subpoena, for four witnesses, or under, thirty six cents.

Every witness more, nine cents.

Every order or rule of court, twenty five cents.

A copy of a rule of court, sixteen cents.

Taking and copying every special verdict, per sheet each containing seventy two words, twenty five cents.

For the allowance and recording a warrant of nolo sequi or cessat processus, sixty six and two thirds cents.

Fees for the Clerk of the Circuit Courts.

For entering in the judges book every cause to be tried, fifty cents.

Filing every nisi prius record, fifty cents.

Entering every rule, twenty five cents.

Swearing and empanneling a jury, thirty three and one third cents.

Entering confession of lease, entry and ouster, twenty five cents.

Swearing each witness, and swearing a constable, each, nine cents.

Reading every deed, or piece of written evidence, sixteen cents.

Filing a bill of exceptions, or demurrer, each, sixteen cents.

Copies thereof, per sheet, twelve and a half cents.

Calling plaintiff, and entering his default of appearance, sixteen cents.

Taking a verdict, and entering it in minutes, thirty three and one third cents.

Returning every postea, one hundred cents.

Entering every nonsuit, twenty five cents.

Entering default of juror, and discharge of others, twenty five cents.

In criminal causes, The same fees as are before allowed to the Clerk of the supreme court, and under the same restrictions: and if he prosecute for the United States, the like fees as are before allowed to the attorney General.

The Sheriff's fees in the Supreme Court.

Serving a writ, sixty six and two thirds cents.

Every mile to be computed from the place of holding the court, nine cents.

Bail bond, fifty cents.

Returning a writ, sixteen cents.

Summoning a jury, one hundred and fifty cents.

Serving an execution for, or under three hundred dollars, per each three dollars, nine cents, and for every three dollars more, five cents.

The allowance to the sheriff on fieri facias, or other writs for levying monies, to be taken, only, on the sum levied, (that where any sheriff shall levy, or receive, any debt or damages and costs, actually previous to, or without an actual sale of the lands, goods or chattels seized or taken; he shall be intitled to

no more than one half of the allowance on each three dollars mentioned in this law, in all cases where such debt or damages and costs shall exceed the sum of three hundred dollars.)

Serving a writ of possession without the aid of the posse comitatus, one hundred and seventy five cents.

With the aid of the posse comitatus, four hundred and fifty cents.

Every mile from the court house, eight cents.

For summoning a grand jury, four hundred cents.

Executing a criminal, ten dollars.

Making a list of free-holders to strike a jury; four hundred and fifty cents.

Serving a scire facias and return, seventy five cents.

Every person committed to prison, fifty cents.

The discharge of every person out of prison being committed, fifty cents.

Bringing up a prisoner by habeas corpus, in civil cases, one hundred and seventy five cents.

Every mile from the place of taking him, eight cents.

Executing a writ of enquiry and returning, one hundred and seventy five cents.

Attending a view in the same county, per day, two hundred and twenty five cents.

The like in a foreign county, per day, two hundred cents.

Attending with a prisoner before a judge, on his being surrendered, by his bail, and for receiving the prisoner into custody, one hundred and thirty three, and one third cents.

For summoning a jury on forcible entry and detainer, four hundred and twenty five cents.

Serving a writ of restitution, besides a milage fee of eight cents per mile, twenty five cents.

Copy of every writ, twenty five cents.

Serving a warrant of attachment, taking into custody &c. so much as the judge, who issued the warrant shall certify.

The Cryers fees, in the Supreme Court.

For calling every action, twelve and a half cents.

Calling a jury, twelve and a half cents.

Swearing a witness, nine cents.

Calling every verdict, twelve and a half cents.

Discharging every person by proclamation twelve and a half cents.

Calling the plaintiff on non suit, twelve and a half cents.

Calling the defendant on recognizance, twelve and a half cents.

Calling a default, twelve and a half cents.

Ringing the bell, each action in court, sixteen cents.

Jury fees in the Supreme Court.

Every juryman, for each action on which he is sworn a juror, thirty three and one third cents.

Every juror coming to, and attending a view, and returning, per day, one hundred cents.

Every juror attending court, from a foreign county, coming and returning, per day, sixty six and two thirds cents.

The fees to be allowed for witnesses summoned in the several courts, and charges for summoning them.

Each witness attending in his own county, on trial per day, thirty three and one third cents.

Attending from a foreign county, and coming and returning per day, sixty six and two thirds cents

Each witness subpoena'd in the county, and detained from a foreign county, per day, sixty six and two thirds cents.

serving subpoena on each witness, sixteen cents.

To a witness on a duces tecum, coming from a foreign county, attending and returning, per day, sixty six and two thirds cents.

Except for the judge of probate, or clerk of a court, attending in a foreign county, with wills, records, or other paper evidence, on subpoena, per day, two hundred cents.

Surveyors Fees. For going to, and returning from a view, per day, thirty miles per day, one hundred and seventy five cents.

His actual service on the view, per day, one hundred and seventy five cents.

For going to, attending the court on trial, and returning, per day, one hundred and seventy five cents.

The Justices' fees, in the court of Common pleas.

For all actions in the court of common pleas, fifty cents.

Signing every judgment of court, sixteen cents.

Taking bail, thirty three and one third cents.

Acknowledging satisfaction on record, twelve and a half cents.

Taxing and signing a bill of costs, thirty three and one third cents.

Proof or acknowledgment of a deed, before the judges of the court of common pleas, fifty cents.

For admitting, and licensing an attorney, half the fees, in such cases allowed to the judges of the supreme court.

For every issue joined, sixty six and two thirds cents.

For every trial, one hundred and thirty three and one third cents.

Allowing writ of error, habeas corpus, or certiorari, when presented from the Judges of the supreme court, sixty six and two thirds cents.

Granting reference, thirty three and one third cents.

Approving report of referees, forty cents.

On surrender of principal in court, twenty five cents.

Continuing cause, sixty six and two thirds cents.

Granting writ of protection, twenty five cents.

Hearing petition and making order thereon, thirty three and one third cents.

Justices of the Peace, their fees, in, or out of sessions.

For every warrant in criminal cases, twenty five cents.

On every trial of forcible entry, or detainer, three hundred cents.

Every precept in forcible entry or detainer, fifty cents.

Every bond or recognizance, thirty three and one third cents.

Administering an oath, sixteen cents.

Every certificate, or order upon an act, for relief of insolvent debtors, fifty cents.

Every warrant, order, report, or certificate, upon an absconding act, fifty cents.

Every appointment of trustees, fifty cents.

Justices of peace and Common Pleas, out of sessions.

For summons or capias for debt, twelve and a half cents.

For every subpoena, twelve and a half cents.

And every name inserted after, four cents.

Entering every Judgment for debt when tried, twenty five cents.

Every Judgment by confession of defendant, twelve and a half cents.

Every execution, twenty five cents.

Certified copy of all proceedings on appeal or certiorari, forty cents.

Writing, signing, and sealing every attachment, sixteen cents.

Entering rule of reference in docket, twelve and a half cents.

Copy thereof, twelve and a half cents.

Every recognizance of bail in civil causes, sixteen cents.

Issuing bail peice, sixteen cents.

Swearing witness, nine cents.

Administering oath on deposition, twelve and a half cents.

Acknowledgment of a deed, and power of attorney, by every justice of the peace, thirty three and one third cents.

Order for removing a pauper, sixty six and two thirds cents.

Order for relieving a pauper, thirty three and one third cents.

Issuing scire facias, against special bail, twenty five cents.

Order to appraise damages in tresspass, twenty five cents.

publishing banns of matrimony, seventy five cents.

Attornies fees in the court of common Pleas.

Warrant of attorney, sixteen cents.

Every necessary motion, thirty three and one third cents.

Drawing every declaration, and all other pleadings, per sheet, each sheet containing seventy two words, sixteen cents.

Every copy thereof, per sheet, nine cents.

Drawing every notice of trial, copy and serving, thirty three and one third cents.

Copy for the judge, and serving, twenty cents.

Brief for trial and copy, one hundred cents.

Attending a judge, on taxing costs, or other necessary business, thirty three and one third cents.

Retaining fee, one hundred and twenty five cents.

Pleading fee, when issue or demurrer, one hundred and seventy five cents.

Term fee, sixty six and two thirds cents.

The attorney Generals deputy in the court of common pleas, or quarter sessions; one half of the fees allowed by law, to the attorney general in the supreme court, for similar services.

Fees for the Clerk of the Sessions.

For taking a recognizance and drawing it up in form, fifty cents, to be paid to the clerk, or other person who does the service.

Drawing every indictment and engrossing the same, sixty six and two thirds cents.

Receiving, filing, and reading the same, twenty five cents.

Subpoena for each witness, eight cents.

A venire, or other writ, twenty five cents.

Entering defendants appearance, twelve and a half cents.

An execution, thirty three and one third cents.

Making up the record, per sheet, sixteen cents.

Copy thereof per sheet, of seventy two words, eight cents.

Every order on rule of court, twelve and a half cents.

Entering a nolo prosequi, or cossat processus, twenty five cents.

A venire for a jury to enquire of riots, forcible entry, detainers, &c. thirty three and one third cents.

Drawing and engrossing inquisition and returning the same, eight cents.

Filing record, sixteen cents.

Entering the panel, and swearing the jury, thirty three and one third cents.

Swearing witness, and constable, each, eight cents.

Reading each evidence or petition in court, eight cents.

Taking and entering verdict, sixteen cents.

Entering judgment, and the fine, eighteen cents.

Entering the defendants confession, eighteen cents.

Copies of indictments and pleadings, if required, each sheet of seventy two words, eight cents.

Receiving, reading, and filing every order brought to be allowed, at the court of sessions, and entering the confirmation, and recording the same, as in other cases, per sheet of seventy two words, sixteen cents.

For discharging a recognizance, twelve and a half cents.

For each order or reccomendation for a licence, including recording, thirty three and one third cents.

Reading petition and entering order of court thereon, twenty five cents.

for examining every account in court, eight cents.

For recording every order for highway, twelve and a half cents.

Recording every report of highway, for every seventy two words, eight cents.

On entering appeal, allowing habeas corpus, and writ of certioari, when presented from the judges of the supreme court, sixteen cents.

On every trial, thirty three and one third cents.

Continuing cause, twenty five cents.

Fees of the Prothonotaries of the court of Common Pleas.

For every writ of capias, entering action and seal, thirty three and one third cents.

A bond given by the plaintiff, when he is not a freeholder, fifty cents.

Filing declaration, eight cents.

Copy of a declaration, or other pleadings if required, per sheet, each sheet containing seventy two words, eight cents.

A discontinuance or retraxit, sixteen cents.

Altering the declaration in ejectment, and admitting a defendant, eighteen cents.

Entering every motion and rule thereon, sixteen cents.

Copy of every rule when required, sixteen cents.

Bringing a particular record into court, thirty three and one third cents.

Receiving and entering verdict, sixteen cents.

Entering a satisfaction on record, thirty three and one third cents.

Entering Judgment, eighteen cents.

Reading, and entering allowance of every habeas corpus, writ of error, or certiorari, and the return, thirty three and one third cents.

An execution, thirty three and one third cents.

Transmit of the record in error, and returning it with the writ, every sheet of seventy two words, eight cents.

Every writ of enquiry, per sheet, eight cents.

Entering defendants appearance, eight cents.

Drawing and filing special bail, in or out of court, twenty five cents.

Filing every plea, replication, rejoinder, or other pleading, eight cents.

A venire, thirty three and one third cents.

Receiving and entering the panel, and swearing the jury, twenty five cents.

A habeas corpora juratorum, thirty three and one third cents.

Subpoena for each witness, eight cents.

Reading every evidence in court, eight cents.

Swearing each witness, eight cents.

Swearing a constable, eight cents.

Making up and entering a record of a judgment, per sheet, sixteen cents.

Engrossing, eight cents.

Copy of a record of a Judgment when required, per sheet, of seventy two words, eight cents.

Searching the records, within one year, sixteen cents.

And for every year back, eight cents.

Copies of records, per sheet, of seventy two words, each sheet, eight cents.

On entering report of referees, eighteen cents.

On confession of judgment, default, joinder, or demurrer, thirty three and one third cents.

Examining bill of cost in the detail, sixteen cents.

Continuing each cause, twenty five cents.

On surrender of principal in court by sureties, teenty cents.

Entering rule of court, on appointing referees, twenty cents.

On every issue joined, thirty three and one third cents.

On entering every principal motion, twelve and a half cents.

On every trial, thirty cents.

For drawing special list of jury, attending and striking, and making copies of jury list, for plaintiff and defendant, seventy five cents.

Issuing commission to take deposition out of the Territory, sixty six and two thirds cents.

The Sheriff's fees in the courts of Common Pleas.

For serving a writ and taking into custody, forty five cents.

Every mile as fixed by law, per mile, eight cents.

Every bail bond, fifty cents.

Returning a writ, twelve and a half cents.

Summoning a jury, one hundred cents.

Attending on a view, per day, one hundred and thirty three and one third cents.

Going and returning, per day, one hundred and thirty three and one third cents.

Serving and returning scire facias, fifty cents.

Serving an execution for every three dollars, under three hundred dollars, eight cents. and for every three dollars more, four cents.

Serving a writ of possession, with the aid of the posse comitatus, three hundred cents.

every mile from the place of holding the court, eight cents.

Every person committed to the common prison, fifty cents.

Executing a writ of enquiry and drawing inquisition and returning the same with the writ, one hundred and seventy five cents.

Serving a summons, sixteen cents.

For attending with a prisoner before a judge, on his being surrendered by his bail, and for receiving the prisoner into custody, sixty six and two thirds cents.

In criminal matters, the like fees in the respective courts, as for the like services in civil cases, to be allowed where the defendant enters a nolo contendere, or on voluntary composition, hath his fine mitigated, or where the services are done at the request of, or for the ease or advantage of the defendant, or prisoner, or by order of the court.

Cryers fees in the courts of Sessions and Common Pleas.

For calling a jury in each cause, sixteen cents.

Calling and swearing each witness, eight cents.

Calling every verdict, twelve and a half cents.

Calling every action, twelve and a half cents.

Ringing the bell for every action, twelve and a half cents.

Discharging every person, by proclamation, twelve and a half cents.

Jury's fees in the courts of Sessions, and Common Pleas.

Every Jury man, sworn in each action, thirty

three and one third cents.

Every Juror attending a view, per day, sixty six and two thirds cents.

Coroners Fees.

For the view of each body, five Dollars.

Each juryman that sits on the body, sixteen cents.

For witnesses the same allowance as in the supreme court: Serving writs, in all cases, the same as is herein before allowed to the sheriff, for the like service. The fees of coroners inquest, shall be certified by the coroner and paid by the treasurer of the county.

Fees of the Probate office.

For administering an oath, twenty five cents.

For all copies. For each folio consisting of one hundred and twenty eight words, twenty five cents.

For seal, one hundred cents.

For filing, twenty five cents.

For a citation exclusive of seal, sixty six and two thirds cents.

For a letter of administration, three dollars.

Taking and filing a renunciation, and taking proof of renunciation (and which proof, the judge of probate is hereby authorised and required to take,) sixty six and two thirds cents.

Where a will or administration is contested, for hearing and determining, two hundred and fifty cents.

For proving a will, endorsing certificate thereon, recording the same, and filing it, three hundred cents.

For qualifying administrator, taking bond, and writing certificate two hundred cents.

For a citation when issued, sixty six and two thirds cents.

For filing a caveat, twenty five cents.

For proving a codicil, if proved separately, endorsing certificate, recording the same, and filing it, two hundred cents.

For examining, and proving an inventory, or account, thirty three and one third cents.

For granting administration with the will annexed, three dollars.

For a search, twenty five cents.

Recorder's Fees.

For recording mortgages, per sheet, of one hundred words, twenty cents.

And the like fees for recording all other deeds, and instruments in writing.

For copies of all records and deeds, per sheet, sixteen cents.

To the person keeping the seal.

For making out and affixing the seal to the commissionions or appointments of the attorney General, the treasurer of the Territory, the sheriffs, prothonotaries, and recorders, for each and every such commission, or appointment, four dollars.

one --- half --- thereof to be to the use of the secretary.

For the commission of a justice of the common pleas, one hundred and twenty five cents.

For every justice of the peace, named in a commission, sixty six and two thirds cents, (one half whereof to the secretary's use) and for affixing the seal to any other instrument in writing, except original laws, and military commissions one hundred cents to his own use.

To the Secretary

For copies of exemplifications of records, per sheet of one hundred words, sixteen cents.

The judges and justices of their respective courts, shall allow all bills of costs, arising within their courts, according to the table of fees herein established, and not otherwise.

For all services rendered the county, by the justices of the peace, in or out of sessions; by the justices of the common pleas, in or out of court; by the prothonotary, clerk of the supreme court, clerk of the sessions, deputy of the attorney general, sheriff, coroner, or constable; in cases where the fees are not provided by law: such compensation shall be allowed them respectively, by the commissioners, and assessors of the proper counties, at their yearly meetings, as to the commissioners and assessors, shall appear reasonable. All, and every the respective officers whose fees are herein named, ascertained, limited, and appointed; shall, and are hereby required, to make fair tables of their fees respectively, according to this act; and to publish, and set up the same, in their respective offices, within six months after passing of this act, in some conspicuous part, for the inspection of all persons, who have business in said offices: on pain of forfeiting for each day the same shall be missing, through the neglect of said officers, the sum of ten dollars; which penalty may be recovered in any court of record, by action of debt, one half to the informer, and the other half to the Territory. If any officer whatsoever, shall take greater fees than is herein before expressed and limited, for any service to be done by him in his office: or if any officer shall charge, or demand, and take any of the fees herein, or in the aforesaid law, before ascertained, when the business for which such fees is chargeable, shall not have been actually done and performed; such officer, for every such offence, shall on conviction thereof, before any court of record for the proper county, forfeit and pay to the party injured fifty dollars. It shall and may be lawful, for any person to refuse payment of fees, to any officer, who will not make out a bill of particulars, signed by him, if required; and also a receipt, or discharge, signed by him of the fees paid.

The foregoing is hereby declared to be a law of the Mississippi Territory, this third day of april, anno domini, one thousand seven hundred and ninety nine. In testimony of which, we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law for the dividing the Counties into Townships and constituting constables and overseers of the poor.

Be it enacted, That as soon as may be after the publication of this act, the justices of the court of General quarter sessions of the peace, in the several counties, within this Territory; shall in their sessions respectively, proceed to divide the said counties into townships, assigning to such townships respectively, such limits and bounds, natural or imaginary, as shall appear to be most proper; having due regard to the extent of country, and number of inhabitants residing within the same; and the townships or any of them, to subdivide from time to time, whenever the interest or convenience of the inhabitants thereof, may seem to require it. And the justices in session as aforesaid, shall cause the clerk of the court, to enter of record, on the docket of the same court, the particular time, when each township is set off, and the specific boundaries assigned thereto.

And be it enacted that the said justices in session, in each and every county, shall respectively nominate, and appoint annually, in every township within their county, one or more constables, each of whom shall continue to serve as a constable of the township specially, and as a constable of the county generally, for the term of one year, next ensuing his appointment: and his power and duty shall be, to serve all such summonses, warrants, subpoenas, mittimusses, and other lawful precepts, as shall be directed to him specially, or to him generally, with the others, or any constable of the county and be put into his hands for the purpose of service. And generally to do and perform all duties and services, incumbent on him, as an officer of the township or county, or of the several courts of law and justice, which may from time to time, be appointed and held, in the county for which he may be a constable. And furthermore, to do all and singular the duties now or hereafter to be enjoined by law.

Any person accepting the office of constable, shall, before he enters on the duties thereof, take the following oath, before the court of General quarter

sessions, or (in the vacation thereof) before a justice of the peace, who shall enter the same on his docket, that is to say. - "I A. B. do solemnly and sincerely swear, that I will faithfully and truly do my duty as a constable of the county of -C- and impartially demean myself in office, according to my best understanding. So help me God." And when any person accepting such office of constable, shall declare himself conscientiously scrupulous against taking an oath, then the following affermation shall in like manner be administered, instead thereof: that is to say. "I A. B. do solemnly sinserely and truly declare and affirm, that I will faithfully and truly do my duty as a constable of the county of - C. - and impartially demean myself in office, according to my best understanding." Which affirmation shall be entered on the docket of the justice administering the same.

And be it further enacted, That the said justices in session, in their respective counties, shall annually appoint, one or more overseers of the poor, in each and every township of the county, to serve for the term of one whole year; and it shall be the duty of every such overseer, to make report to any justice of the peace, in and for the county, of all vagrant persons, likely to become chargeable to the township, for which he is appointed overseer, and also to take notice of all the poor and distressed families, and persons residing in his proper township; and enquire into the means by which they are supported, and maintained. And whenever he shall discover any person, or family, realy suffering through poverty, sickness, accident, or any misfortune, or inability, which may render him, her or them, a wretched and proper object of public charity; it shall be his duty, and he is hereby strictly enjoined, to give immediate information thereof, to a justice of the peace, acting in and for the same county, that legal means may be taken by such justice, to afford the person or persons so suffering, proper and seasonable relief. And every overseer of the poor, appointed as aforesaid, shall take the same oath or affirmation, according to his conscience, to be administered and entered by the same authority, and in the same manner, as is prescribed in this act for a constable; changing only the words "a constable" to the words "an overseer of the poor" and the word "county" to that of "Township."

Provided that the boundaries of the township under this law, and the appointment of officers therein, shall be with the approbation of the Governor.

The foregoing is hereby declared to be a law of the Mississippi Territory, this third day of april anno domini, one thousand seven hundred and ninety nine. In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law directing the manner in which money shall be raised and levied, to defray the charges which may arise within the several counties.

The court of general Quarter sessions of the peace, at the first term which shall be held within each of the counties, and annually ever afterwards, shall make an estimate, of such sum or sums of money, as they according to their best skill and judgment, shall think sufficient to defray the necessary charges, of their respective counties for one year, including therein, the making and keeping in repair, all public roads, and specifying as nearly as may be, every purpose for which such sums may be necessary, and which estimate, the clerk of the said court, is hereby directed to lay before the Governor, and one or more of the Territorial judges, from time to time; as soon as may be after such estimate shall have been formed; so that such sum as may be necessary, and by them approved of, may be laid on the Inhabitants, and others who ought to be assessed, in each and every county respectively.

The sums which shall from time to time be allowed by the Governor, and one or more of the Territorial judges, and laid on the several counties, for the necessary charges therein; shall be apportioned on the several Towns, within the respective counties, by commissioners Biennially to be appointed, by the justices of the court of common pleas, with the approbation of the Governor. - And the number of said commissioners, shall be ascertained by the following rule. In every town one commissioner shall be appointed, and when any Town shall consist of sixty free male Inhabitants, of twenty one years of age and upwards, they shall have two commissioners; and if of one hundred such Inhabitants, or more they shall have three commissioners. And the said commissioners shall meet at a time and place, to be appointed by the said justices of the court of common pleas, and apportion the said sum or sums to be allowed by the Governor, and one or more of the judges, on the towns within the respective counties as aforesaid, in order to which apportionment, they shall obtain the names and surnames, of all and every the free persons, dwelling or residing within the

limits of those Townships, or places with which they shall be charged. And the names of all freemen, Inmates, hired male servants (being twenty one years of age) and whether profitable or chargeable to the employers, and all persons residing or sojourning in every of the said townships or places, and a list of all lands, not being the property of the united states or appropriated to public uses; The tenements, houses, cabbins, or other buildings wherein people dwell, and which are rented, and afford an income to the owners. And of all Ferries, stores, shops, warehouses, mills, Gins, Keel or batteau built boats, of the burthen of twenty barrels and upwards, producing a yearly income; and of the bound male servants, and male slaves, above the age of sixteen, and not exceeding fifty; draught oxen, saddle and draught horses, cows pened or kept up, and immediately productive to the owners; together with the stock of cattle, - including sheep, and swine, intended for market, and thereby productive of annual income and profit: and the said commissioners, are hereby authorized and required, to demand from all free persons as aforesaid, true and correct lists and enumerations, as is herein before specified: and if any person on being notified by one or more of the commissioners in person, or by writing left at his house, or usual place of residence; shall refuse or neglect to make the same in writing, for the term of ten days, it shall be the duty of two or more of the commissioners, residing nearest to the defaulter, to enter into and upon the lands, - houses and premises, to him belonging; and according to the best information which they can obtain, and on their own view, to make and subscribe the list and enumeration required, which shall be reputed good and sufficient, for the purposes of this law: and the person so failing or neglecting, unless in case of sickness, or absence from home, for the whole period from the leaving of such notification or information, shall be doubly taxed. And if any person shall make out or deliver any false or fraudulent list or enumeration, with intent to evade or defeat this law, and being thereof convicted, before any court, having competent jurisdiction, he shall be fined in a sum not exceeding one hundred dollars, at the discretion of the court, and shall pay all costs, and charges of prosecution; the one half of which fine, shall be to the use of the county, where the offence shall happen, and for the purposes of lessening such counties rates, and levies; and the other half to the use of the person prosecuting for the same to effect.

The said justices of the court of common pleas,

in each county respectively, shall biennially appoint in each township, with the approbation of the Governor; three or more judicious men, a majority of whom shall have power to assess, and apportion the sum or sums, which by the order of the commissioners, is directed to be assessed upon the towns, for which they shall be appointed. And for this purpose, they shall assemble at the place, where the court of Quarter Sessions shall be - usually held; and upon the order of the aforesaid commissioners, which they are hereby required to issue, so soon as they conveniently can, after they shall have obtained the lists, and enumerations before required: and the said assessor shall then and there, proceed, to make the assessments, upon themselves, and all others impartially, receiving from the commissioners, the aforesaid lists and enumerations, and informing themselves, by the oaths of the said commissioners, and other credible persons, or any lawful ways and means, what persons and estates in their respective Townships, are rateable by this law, and the yearly profit accruing from the same; and they shall have special regard to such profit, taxing all lands, in just proportion to their value; except those before exempted, and also all property belonging to the United States, Territory, or counties respectively and assessing no single man, not having visible property to the ammount of one Hundred dollars, more than one dollar per head annually, save by a due proportion of labour in the opening, and repairing high ways, and public roads. And the property of non residents in this Territory, having no legal representatives - within the same shall never be distrained from any proportion of county rates and levies, until they shall be served with six months notice of their assessments, by advertisement to be published in some one Gazette, in, or most convenient to this Territory; which notice it shall be the duty of the commissioners to make, without delay, and at the expiration of the time limited, they shall be distrained to the full ammount, and ten per centum from the time of assessment, and in manner as herein after provided, for actual residents; and in case they have no goods or chattels, whereon to make distress, it shall be lawful, for the court of quarter sessions, to issue a warrant to the sheriff, to sell at public auction, so much, and such part, of each tract of land, charged with Taxes, as will raise a sum of money sufficient to pay the same, with costs and charges; and he shall advertise the land, by imaginary metes and bounds, where it lies; the time and place of of sale, for at least twenty days previous to the sale, at the door of the House, where the general

quarter sessions are held; and during one term of the court, and also in three other public places, and in the Township where the land lies. The vendue shall be fair, in open daylight, and the land struck off to the highest bidder, who shall be able to pay down the money. After such sale it shall be the duey of the Sheriff, to deliver to the purchaser, a certificate of the quantity of land sold, discribing fully the same, and the presiding justice of the court of common pleas, shall thereupon convey the same land to the purchaser, in due form of law, which conveyance shall vest in the purchaser, all the right and interest of the proprietor, for whose tax the land shall be sold, and in consideration of law, shall also vest the possession of the land in the purchaser. Provided, that where any lands sold and purchased as aforesaid, shall thereafter appear to be the property of the United States; the sum or sums of money, which shall have been paid, for the same; shall be reimbursed, with legal interest by the proper county, and the sale thereupon become null and void. And it is further provided, that in all cases where taxes shall be paid upon unimproved lands, claimed by any person or persons, resident, or non resident within this Territory, and such lands shall hereafter be decreed the property of any other person or persons; that all such lands shall be liable to the party aggreived, for full reimbursement, with legal Interest, by an action in the case in any court having competent jurisdiction.

All free men not being householders, nor having a certain place of abode, and all hired male servants, shall be taxed at the place where they reside, at the time of making the lists, and enumerations as aforesaid; and each and every householder, shall at the request of the commissioners, or any one of them; give an account of the names, qualifications, and estates of such persons, as shall sojourn, lodge, or dwell in their respective houses, under the penalty of ten dollars, to be recovered before any justice of the peace, in the proper county; and which shall be applied to lessening the rates and levies thereof. And if any freeman or hired male servants as aforesaid, shall not be found at the place where they resided, when their names were taken by the commissioners, when the assessment of such householders shall be demanded; then, unless such freeman or hired servants shall have paid, by themselves or friends, the said householders shall be liable therefore; and the same shall be recovered from them, as is herein after provided, for the recovery of assessments. - And the said assessor in making any assessment, by virtue of this law,

shall assess the individuals of their Towns, according to their best judgment, in money or specific articles, agreeably to the order of assessment from the commissioners. And all assessors appointed as aforesaid, shall severally take and subscribe the following oath, before one of the justices of the quoram in the county Viz^{t} I A. B. - do solemnly and sincerely swear (or affirm as the case may be) that I will to the best of my Judgment and information impartially and faithfully execute the office of assessor in the township of - C - agreeably to law and justice, so help me God. A. B. which oath or affirmation, shall also be taken, and subscribed before one of the Justices of the quoram in the county (mutatis mutandis) by each and every commissioner, who may be appointed agreeably to this law, before the shall enter upon the duties of their office.

All appointments of commissioners and assessors under this law, shall be for two years only; and any person not being in civil commission, within the Territory, appointed a commissioner or assessor, who shall refuse to take the oath or affirmation, and faithfully perform the duties of his appointment, shall be fined by the court of common pleas, in the sum of fifty Dollars, to the use of the proper county, and another shall be appointed in his stead. Provided, that no man shall be compelled to serve as commissioner or assessor, more than two years in six.

Within the time limited by the order of assessment, which shall be given by the commissioners without unnecessary delay, the assessors of each township, shall lodge with the prothonotary of the court of common pleas, a list of the assessment by them made, in pursuance of such order of assessment, under their hands and seals, on penalty of paying a fine, not exceeding one Hundred dollars each, to the use of the county. And the prothonotary shall from the assessors list lodged as aforesaid, make out a duplicate thereof, with a warrant of distress under his hand and the seal of the court, directed to the sheriff, requiring him to collect and pay the same to the Treasurer of the county, for the use of the county as aforesaid.

If any person shall refuse to pay the sum or sums of money which he shall be assessed, as his proportion of any rate or assessment, laid as aforesaid, (to defray the expences of the county to which he belongs, or where he has property) in the list or duplicate committed to any sheriff, by virtue of the

warrant to him given, it shall be lawful for such sheriff, and he is hereby required, in such case to distrain the person so refusing, by his goods or chattels, and the distress so taken, to keep for the space of four days, at the cost and charges of the owner thereof; and if the owner do not pay the sum or sums of money, so assessed on him (or if the tax be in specific articles, he do not deliver or tender the same at the place assigned) within the space of four days, then the said distress shall be openly sold, at public auction, by the said sheriff, for the payment of the said money; notice of such sale being set up in some public place in the same Township, forty eight hours before the sale, and after the expiration of the four days aforesaid: and the overplus arising by such sale, if any over and above the charges of taking, and keeping the said distress, and costs of sale, to be immediately returned to the owner, with an account in writing of the sale and charges thereon.

If any person assessed as aforesaid, shall refuse or neglect to pay the sum or sums so assessed for the space of twelve days, after demand thereof being made, and shall also neglect to shew to the sheriff, sufficient goods or chattels, whereon distress may be levied; in every such case the sheriff may take the body of the person so refusing into his custody, and him commit to the common Gaol of the county, there to remain until the same be paid, or he be thence delivered by due order of law: and the keeper of the Gaol in the several counties, is hereby authorised and required, to receive such delinquent into the common gaol, as aforesaid. Provided nevertheless, that in all cases where in the opinion of two or more justices of the peace, there is just ground to fear that any person or persons assessed as aforesaid, may abscond before the expiration of the twelve days, in such case, it shall be in the power of the sheriff, to demand immediate payment, and proceed as is heretofore directed. Provided always, that if any person, or the inhabitants of any town, shall think himself, or themselves unequally or unreasonably assessed, he, or they may by petition, apply to the judges of the supreme court, or the court of common pleas in the county, who are hereby empowered in their several courts, to abate or remit the sum in which the complaints, are assessed, and redress the grievances complained of, if any exist, and the person in whose hands money, or specific articles may be, which are so remitted or abated, shall restore the same to the person or persons, in whose favor redress is allowed, on the order of either

of the aforesaid courts.

All fines mentioned in this law, and not before provided for, shall be recovered before any court or justice, having competent jurisdiction and to the use of the proper county.

The commissioners, and assessors appointed by this law, shall be allowed at the rate of one dollar per day each, while actually doing, and performing the services contemplated herein, and such of the commissioners or assessors, as may be farther employed, in recording their proceedings, and making out lists and assessments, shall receive the additional sum of fifty cents per day, while they are so employed. Their accounts shall be examined, and certified by the prothonotary of the court of common pleas, into the said court, and by a warrant from the presiding justice, shall be paid by the Treasurer of the proper county, out of any monies belonging to the county, and not otherwise appropriated.

The sheriff shall have, and may keep out of all assessments, comming into his hands, by virtue of this law: and for full compensation for his trouble in collecting the same; a sum not exceeding one per centum; but the court of common pleas may order a further compensation at their discretion, in cases of his executing warrants of distress, where payments shall be refused or neglected, which compensation shall be at the expence of the person who may be distrained in their property by virtue of this law.

The foregoing is hereby declared to be a law of the Mississippi Territory this third day of april anno domini one thousand seven hundred and ninety nine. In Testimony of which we have undersigned our names, and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law for alloving Domestic Attachments.

Section 1st. The Judges and Justices of the respective County Courts within this Territory, shall, and are hereby impowered to grant Writs of Attachment, which Attachments so granted shall be duly served by the respective Sheriffs, or Coroners, as the Case may require, upon the Goods & Chattels of such Person or Persons against whom the same shall be awarded, in whose Hands, or Possession, the same shall be found, returnable to the next succeeding Court respectively, where the Party may proceed to trial, and shall have Judgment granted the third Court after the Effects are seized.

2d. The Person or Persons, whose Goods or Effects are so attached shall be the Defendant in the Attachment, and the Person in whose Hands, or possession the same Goods or Effects are attached shall be called the Garnishee and shall be obliged to appear in Court at the return of the Attachment and answer what shall be objected against him, and abide the Judgment of Court, and shall be allowed out of the Effects attached reasonable satisfaction for his attendance

3d. The manner of executing Writs shall be by the Officer's going to the House, or to the Person in whose Hands, or Possession, the Defendant's Goods or Effects are supposed to be, and then, and there declare in the presence of One, or more credible Persons of the Neighbourhood, that he attacheth the same Goods, or other Effects. From and after which declaration, the Goods Money or Effects so attached shall remain in the Officer's Power, and be by him secured, in order to answer and abide the Judgment of Court, in that Case, unless the Garnishee will give Security therefor And if the Plaintiff in the Attachment obtain a Verdict Judgment and execution for the money and Goods in the Garnishee's possession yet the Defendant in the Attachment may at any time before the money be paid put in Bail to the Plaintiff's Action upon which the Attachment is grounded whereby the Garnishee will and shall be immediately discharged And if an Attachment shall be made for Goods or Effects, and the Garnishee plead he had no Goods or Effects in his hands at the time of Attachment, or

Mississippi Territory

(Seal)

A Law for the well regulating
of Gaols and Prisons

Be it enacted, that where the escape of any Prisoner in a civil or quitam action shall happen through the insufficiency of the Gaol or the negligence of the Sheriff or Gaoler; the Sheriff of the County in which the escape happens, shall stand chargeable to the Plaintiff, Creditor or other Person at whose Suit, or for whose Debt, He or She was committed; or to whose use any forfeiture was adjudged, against such Prisoner

And in case the escape shall happen, through the insufficiency of the Gaol, the Court of common Pleas in the County shall have power and authority hereby, to assess the Sum or Sums, for which such Prisoner stood committed, upon the Inhabitants of the County; in the same manner as is directed by the Law entitled a Law directing the manner in which money shall be raised and levied, to defray the charges which may arise within the several Counties in the Territory, and to order the County Treasurer to pay the same, when collected to the Sheriff of the County, that the Sheriff may be indemnified. But every Gaol, shall be deemed good and sufficient, which is built agreeably to the Plan, which shall be proposed by Commissioners and others, and accepted by the Justices of the Court of common Pleas in the respective Counties, and always kept in good and sufficient repair.

And if the Court of common Pleas, shall not cause such assessment to be made; and if the Treasurer shall not pay such Sum, or Sums of money, within six months next after the demand shall be laid before the said Court, then the Sheriff may bring his Action, against the Inhabitants of such County, to be heard, and tried, either in that, or in one of the adjoining Counties at the election of the Plaintiff, and an attested Copy of the Writ, being left (thirty days before the sitting of the Court, where the Action is brought) with the county Treasurer, by the Coroner of the same County, shall be held, and adjudged to be sufficient service of the Writ and notice of the Suit. And the Justices of the Court of general quarter Sessions of the peace shall have full power to appoint an

Agent or Attorney to appear in behald of the County, and defend such Action and if Judgment shall be given against the County the Contents thereof may be raised by execution levied upon the monies belonging to the County, and then in the hands of the County Treasurer which shall be made manifest by the said Treasurer's Books, for which purpose, the Officer having the Execution, shall have leave of the Treasurer in his presence to peruse his Books, and examine his accounts with the County, and if the county funds then in the hands of the Treasurer shall be found insufficient to discharge the execution, and costs thereon, then so much of the monies, which the Treasurer may next afterwards receive, belonging to the County, as may be necessary to discharge the ballance on the execution, and Costs shall be, and are hereby pledged, attached and bound by virtue of such execution, and shall be immediately paid over by the Treasurer so soon as they come to his hands, until such execution be fully discharged

And be it further enacted. That if any Person or Persons shall directly, or indirectly, by any ways or means howsoever, without the knowledge, or privity of the Keeper convey any instrument, tool or other thing whatsoever, to any Prisoner, or into any Prison, whereby any Prisoner might break the Prison, or work himself, or herself unlawfuly out of the same every Person so offending shall forfeit and pay, such fine as by the direction of the Court shall be imposed, not exceeding one hundred Dollars, according to the nature of the Cause of the Prisoner's commitment, or suffer such corporal punishment, not exceeding forty Stripes, as the Court shall inflict. And if it shall so happen, that any prisoner shall make his or her escape, by means of any instrument or tool, or other thing conveyed without the knowledge or privity of the Keeper, the Person so conveying the same shall be liable to pay all such Sums of money, as the prisoner stood comitted for, if on civil process, and shall also have inflicted upon him or her, all such punishment as the escaped Prisoner would be liable unto if a Criminal, and had been convicted of the charge for which he, or she, had been committed, unless such Prisoner would be liable to capital punishment, in which case the person assisting in such escape, shall be punished by fine, imprisonment, whipping Pillory, or sitting on the Gallows, with a rope about his or her Neck or any one or more of the said punishments, as the Court having cognizance thereof, shall think proper to inflict.

And be it further enacted. That if any Jaoler or Prisonkeeper shall voluntarily suffer any prisoner

committed unto him to excape, he shall suffer and undergo the like Pains, Punishments and Penalties, as the Prisoner so escaping should, or ought by Law to have suffered and undergone for the Crime or Crimes wherewith he stood charged, if he had been convicted thereof. And if any Gaoler, or Prisonkeeper shall through negligence suffer any Prisoner accused of any crime to escape, he shall pay such fine, as the Justices of the Court before whom he is convicted shall in their direction inflict, according to the nature of the Offence, for which the escaped Prisoner stood committed

Provided nevertheless. That if any Person who may be committed for debt shall violently escape from Prison, without connivance of the Sheriff or Keeper, and the Sheriff, Gaoler or Prisonkeeper shall within three months, next after such escape recover the Prisoner so escaped, and recommit him to Prison again, then the Sheriff shall be liable to nothing farther than the Costs of such action or actions as may have been commenced against him for such escape.

And be it further enacted, That all Warrants Mittimuses Writs and Instruments of writing of any kind, or the attested copies of them, by which any Prisoner may be committed, enlarged or liberated shall be safely kept (regularly filed in their order of time) in a suitable Box for the purpose, provided fy the keeper of the Gaol under the Sheriff's direction, and upon the Death or removal of any Sheriff, the Box with the contents thereof shall be delivered to his Successor in the Office, on the Penalty of one hundred and fifty Dollars to be paid by the Sheriff removed, or his Executors or Administrators in case of the death of the Sheriff to be recovered by any Person, who shall prosecute therefor to effect, in any Court having Jurisdiction to try the same

And it shall be the duty of the said Justices, at the beginning of every court of quarter Sessions of the peace, to enquire into the state of the Prisons in their respective Counties, with regard to the sufficiency of such Prisons, the Condition and accommodation of the Prisoners, and shall from time to time take such legal measures, as may best tend to secure the Prisoners from escape, sickness and infection, and to have the Gaols cleansed from filth and vermin

And the Sheriff shall keep seperate Rooms for the Sexes, except where they are lawfuly married, and be responsible that his Gaoler at all times provide proper Meat and Drink for all Criminals committed to the

Goal of the County, if such Prisoners have no other convenient way of supplying themselves with Provisions, which shall always pass to them through the Hands of the Keeper & in every case where the Sheriff or Goaler, shall be at the expence of funishing Meat, Drink or Firewood to a Prisoner in Goal, for a Crime, or at the Suit of the United States, who is not of sufficient ability in point of Property, to repay, or indemnify such Sheriff, or Goaler, their reasonable Charges and Expenses for supplying such Prisoner, in every such Case, the Sheriff or Goaler shall make out his Account thereof, and on Oath shall testify the truth of the same, before the Justices of the Court of general Quarter Sessions of the peace, who shall tax the same, as they shall think just and reasonable, and lay the amount thereof in the yearly estimate of County Charges, to be submitted to the Legislature for their allowance

And be it further enacted, that in every Case, where a person is committed to Prison, in a Civil Action, either on misne Process, or in execution for Debt, Trespass, Slander, or other cause of Action, at the Suit of one Citizen against another, or at the Suit of an Alien Ally against a Citizen, or at the Suit of a Citizen against an Alien Ally in every such case, it shall be the duty of the Sheriff to provide only, the daily Bread and Water for the Sustenance of such Prisoner, for, and during the period of thirty days after his confinement, when the Prisoner shall be supplied regularly with good and wholesome Food, by the Person at whose Suit he is committed, and on default of the Creditor, Plaintiff or Complainant to make such Provision for three days after the expiration of the Term of thirty days as aforesaid, such Prisoner shall be liberated from Confinement, and shall never after be liable for the same debt to be restrained of his liberty. And the Sheriff is hereby directed, to furnish regularly for the Term of thirty days as aforesaid to every such Prisoner, who is not of sufficient ability in point of Property to provide for his or her own Support while in Prison, and the expence and charges accruing to the Sheriff or Goaler herein, shall be repaid to him by the Prisoner so soon as the Prisoner shall be liberated from the Goal; for the recovery of which, the Sheriff or Goaler shall have his Action at Law against the Prisoner, in any Court, where the same may be cognizable. And when any Prisoner shall be committed to Goal in a Civil Action as aforesaid, and shall provide for his or her own Support in a way wherein the Sheriff or Goaler shall have no concern, it shall be the duty of the Goaler or Prisonkeeper to admit to the Wicket Grate, or small Window of the

Prison, in which such Prisoner shall be confined, any Person who may come to administer to the Wants of such Prisoner, by furnishing him, or her with Meat or Drink, which shall be conveyed through such small Window or Grate that the Security of the prison be not too frequently exposed, by opening the Door thereof

And be it enacted. That all Fines and Penalties arising upon the breach of this Act, shall be for the use of the County, where the Offence is committed, or the Duty neglected; and the same remedy shall be had for the recovery thereof as in other cases where duties are enjoined by Statute and no particular Mode of Prosecution directed. In cases of default it shall be the duty of the Attorney prosecuting the Pleas of the United States, to prosecute for the same either by Writ or on indictment; and the Fine when recovered, shall be paid to the County Treasurer for the use of the County

The foregoing is hereby declared to be a Law of the Mississippi Territory, this twelfth day of April anno Domini One Thousand, Seven hundred and Ninety Nine. In Testimony of which, we have undersigned our Names, and caused the public Seal to be thereunto affixed

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law directing the Building and Establishing of a Court House, Gaol, Pillory, Whipping Post and Stocks in every County.

So soon as provision can be made therefor, agreeably to a "Law directing the manner in which, money shall be raised, and levied, to defray the charges which may arise within the several counties." There shall be erected and established, in each and every county, a good and convenient court house, for the legal adjudication of causes: and a strong, and sufficient Gaol or prison, for the reception and confinement of debtors and criminals; well secured by timber, Iron grates, bolts, and locks, and also a pillory, whipping posts, and so many stocks, as may be convenient for the punishment of offenders. And every Gaol so to be erected, shall consist of three apartments at least, one of which, shall be appropriated to the reception of debtors.

Every court house and Gaol to be erected as aforesaid, shall be formed of such materials, and to such dimensions, and on such plans, as shall be directed by the justices, of the county court of common pleas, or a majority of them, in each county; who are hereby authorized to plan and project the same: and to accept as a gift, or to purchase for the use of the county, so much ground in the towns where the courts may be ordered to sit, as they may judge convenient and necessary, whereon to build all, or any of the structures aforesaid. Which purchase money, shall be defrayed by the proper county, and laid in the county estimate.

And the justices of the common pleas, or a majority of them, in each and every county, shall appoint two commissioners, of industry and knowledge, sufficient to plan and carry into effect, by drawing the draught, superintending the foundation, and erecting and compleating of every court house, Gaol, Pillory, Whipping post, and stocks respectively. And for the faithful discharge of their duty in this behalf, the said commissioners shall enter into bonds, in the sum of five hundred dollars, with sufficient sureties, to the justices of the common pleas, in trust for the county; well and truly to account with the said justices, as often as they may be thereunto required by them,

for the disposition of all money or other property, by them received from time to time, from the said justices, or Treasurer, or any other person, or by any means whatever, for the purpose of aiding or assisting, in building the said courthouse, gaol, and other structures in the county, to which the commissioners may severally belong, and on default in the commissioners, for want of attention or competent knowledge to carry on the work with propriety, the said Justices, shall have power to discharge one or both of them, and place others in their stead, taking the same surety from them.

Every county now or hereafter to be erected and laid off, within the Territory, shall defray all expences, that may attend the building and keeping in good repair within itself, the courthouse, Gaol, pillory, whipping posts, and stocks, hereby ordered; and to this purpose, for the greater forwarding of the business, it shall be lawful for the justices aforesaid; and they are hereby authorized, to draw out of the hands of the Treasurer of the county, any sums of money, which he may have received belonging to the county, not otherwise appropriated, and the said justices are hereby directed, to apply the same wholly to the purposes of building a Gaol and courthouse, pillory, whipping posts and stocks; but in every county a Gaol shall be first erected, and the Treasurer and justices are to govern themselves accordingly. And it is hereby provided, that the gaol already building in the Town of Natchez, shall be completed upon the present plan, in the hands of the sheriff; that the courthouse shall be built convenient thereto, upon the grounds which have been offered as a donation for the purpose, so soon as they may be conveyed in due form of law; and that all monies, which have been loaned, for the purpose of erecting the Gaol, and any further sums which may be borrowed, under the order of the Justices of the court of common pleas, for the purpose of completing the same, shall be reimbursed, with an interest of six per centum, so soon as the sheriff shall adjust his accounts relative to the said building, with the aforesaid justices or a majority of them, and there shall be monies sufficient in the county Treasury, and properly belonging to the county.

The foregoing is hereby declared to be a law of the Mississippi Territory, this twelfth day of april, anno domini one thousand seven hundred and ninety nine. In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law for opening and regulating Highways.

Whenever a petition signed by twelve or more citizens, dwelling within any county in the Territory, shall be presented to the justices, specially named in the commission, for holding the court of general quarter sessions of the peace, for such county, while in session; praying the said court, to order a public Highway, to be laid out through a particular part of the same county: the said justices, are hereby authorized and required, to order a proper surveyor, with two other men, to repair to the ground pointed out in the said petition, and at the proper expence of the petitioners, to view and survey the same, truly measuring the distance, noting the several courses, monumenting, and numbering every miles end, and conspicuously marking or blazing the trees, through the whole length of the way; and erecting monuments, where there shall happen to be no trees: which survey so made, shall be reported to the next sessions of the court, and if no sufficient objections to such proposed Highway, are presented to the said court, at the same sessions to which such report shall be made; then the justices aforesaid, shall on the last day of their sitting in such sessions, cause such report to be entered of record, filing at the same time the original, in the office of the clerk of the said court.

And thereupon the justices, shall order the supervisors of the Highways, in the several Townships, as they in their discretion may think proper, and contiguous thereto; to open the highway in such proportions, as the said justices may think right and equitable, each supervisor, with the inhabitants of his own township, opening and rendering commodious for travelling, a given distance, or proportion, assigned by the justices, of the said road or highway; according to the greater or less number of citizens in each township, whose inhabitants may be ordered to assist in opening the said highway.

And be it enacted, That where objections against the opening such highway, shall be presented to the said justices, in due time, as aforesaid; they shall appoint three disinterested men of the county, who at

the proper expence of such objectors, or opposers of the proposed Highway, shall repair to the ground, and impartially view and examine the same, and according to their best and most candid judgment, make report in writing to the said justices, at their next succeeding sessions, of the propriety or impropriety, usefulness or inutility of such road, or proposed highway; after the reading and due consideration of which, the said justices may proceed according to their Judgment, and order the said road to be established, and laid out according to the prayer of the first petitioners, or for that time reject the highway, and dismiss the petition.

And be it further enacted, That the said justices, in every county, as soon as may be, after the publication of this act, in the several counties respectively; shall proceed in their sessions, to appoint once in every year, a proper number of Supervisors or overseers of the Highway (to be approved of by the Governor) in each and every Township, in the several counties or districts; whose province and duty it shall be, to obey the orders of the said justices, for the laying out of Highways whenever such orders shall be given as aforesaid. And it shall also be the duty of the said Supervisors of the Highways, to superintend all public roads and highways, in the townships, for which they may be assigned supervisors or overseers, and keep them in proper repair, and fit for the use of travellers and passengers, by the labour and assistance of the inhabitants of the township, in which they may severally be supervisors. And in case of omission of this their duty, each defaulting supervisor of the highways, shall be liable, and subjected to a fine of ten dollars, for each and every default; to be recovered with costs, for the use of the township, by any person who will prosecute for the same, for the purpose of aiding the inhabitants of such towns, to form causeways, and smaller bridges where it may be necessary to hire teams, for the drawing of timber therefor; which fine shall be inflicted by any justice of the peace, to whom complaint is made.

And be it further enacted, that every male inhabitant, of sixteen years of age and upwards, on being duly warned, to work on the highways, by the supervisors in the township, to which such inhabitant may belong, shall repair to the place, and at the time, by the said supervisor appointed, with such tools and utensils, as may be ordered him, wherewith he is to labour; and there abide, and obey the direction of such supervisor, during the day, in opening

and repairing the highway. And this duty, every male as aforesaid, shall be subject to perform, so many days not exceeding ten, in each and every year, as may in the opinion of the supervisor be necessary for the opening and repairing the highways. Provided always that only an equal number of days labour, shall be exacted from any such citizen, all such male inhabitants serving alike, either in person, or by procuring a good hand to labour in their stead, or by their team, to the acceptance of the supervisor: which labour shall be valued at fifty cents per day, and brought into the general estimate, and apportionment of county charges; in order that every persons taxable property, within this Territory, may be equally assessed, to answer and satisfy the demands within the respective counties: and non resident proprietors, or claimants of lands, may, and shall be entitled to labour their due proportion upon the highways, by their agents, or representatives, they timely signifying such intention to the proper supervisors,

If any male inhabitant, upon receiving three days notice, by the proper supervisor of the highway, shall neglect, or refuse to attend at the time and place, which may be appointed as aforesaid; or shall waste the day in idleness and inattention to the duty assigned him; such delinquent shall forfeit and pay to the supervisor, who warned him to work, fifty cents, for the sole benefit of the said supervisor, for every such default, to be recovered with costs, by an action of debt, in any court where the same may be cognizable; and moreover, be further liable to work an equal number of days yearly on the highway, with the other male Inhabitants of the township, in the same manner as though no such default had been made.

And where the delinquent person shall happen to be a minor, apprentice, slave or servant; the Father, Mother, or guardian of such minor, or the master of such apprentice, slave or servant, as the case may be, so making default; shall become liable to the action, in the same manner as though they were principal defaulters.

And when in the opinion of the said justices, bridges of large dimensions are necessary and such as require special attention, and considerable expence; they are hereby authorized, to contract for the building and keeping in repair the same, with such persons as may be willing to undertake, upon terms most advantageous to the county: and the justices of the court

of common pleas, with the grand juries, or a majority of them, shall be the sole judges of the place where any bridge shall be built, and maintained, over any creek or rivulet, within the respective counties, to which they belong. And all expences incurred in building, and keeping in repair such bridges, shall be paid from the county treasuries respectively, upon the warrant of the justices of the court of common pleas, and out of any county monois not otherwise appropriated.

The foregoing is hereby declared to be a law of the Mississippi Territory, this twelfth day of april, anno domini, one thousand seven hundred and ninety nine. In testimony of which we have undersigned our names, and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law regulating Domestic Attachments

Section 1st. If any person shall absent him or herself out of this Territory, or abscond from his or her usual place of abode (not taking care to satisfy his or her just debts) it shall and may be lawful for any Justice of the peace of the County where such Person's Estate may be found to grant a Writ of Attachment for any debt not exceeding the Sum of Twenty Dollars directed to any Constable of the same County to attach the Goods and Chattels, or other Effects of such Person to answer the Creditor, but before the granting any such Attachment the Person or Persons requesting the same or some other credible Person or Persons for him or them shall upon Oath or Affirmation declare, that the defendant in such Attachment is indebted to the Plaintiff therein named, in a Sum not exceeding Twenty Dollars, and that the Defendant is, and has been absconded from the place of his usual Abode for the space of six days, with a design to defraud his Creditors as is believed, and that the Defendant has not left a clear fee simple Estate in Lands or Tenements within this Territory, sufficient to pay his Debts so far as the Plaintiff or Deponents knows, or believes. Which Oath or Affirmation, the Justice of the peace that grants such Writ is hereby impowered and required to administer. And if any Attachment be granted otherwise, or contrary to the true intent and meaning hereof the Justice of the Peace so granting the same, shall for every such Offence forfeit the Sum of twelve dollars for the use of him or her that will sue for same

2d. As soon as the Justice of the peace, before whom the Writ of Attachment is returnable accepts the Constable's return thereof, the said Justice shall immediately appoint two substantial Freeholders, to take into their custody all the Goods and Chattels attached, for which they shall be accountable until they shall dispose of the same as herein after is directed, and shall also forthwith publish his said Proceedings by Advertizement in the most public places near the late Dwelling Place of the Person so as aforesaid absenting, and likewise in One or more of the public newspapers within this Territory, whenever such Newspapers shall be published, appointing the time and

place for all the Creditors of the Person against whose Effects and Estate the Attachment is granted to appear then and there to discover, and make proof of their demands, and if after a full and careful examination, it shall appear that there is a just Debt due to any one Person from the said Defendant exceeding the Sum of twenty dollars, then, and in every such Case, the said Justice of the peace shall no further proceed, but shall deliver and certify to the Clerk of the Court of common Pleas for the same County the said Attachment, and all proceedings thereon had before him. Whereupon it shall and may be lawful for the Justice of said Court to grant and issue one Writ of Attachment only to the Person or Persons who obtained the said Attachment from the said Justice (if he demand the same) or if not, then to any other Creditor of the Defendant, to the Sheriff of the same County directed, requiring him to attach all the Goods Chattels, Rights and Credits, Lands, Tenements and Hereditaments of the said Defendant within his Bailiwick. By virtue of which Writ, the said Sheriff shall together with the Residue of the said Defendant's real and personal Estate in the same County attach and take into his Custody all the Goods and Chattels of the said Defendant (or the product of such part of them, as may be sold according to the direction of this Law) then in the hands, and possession of the said Freeholders, and upon the return of the said Writ of Attachment by the said Sheriff, the Justice of the said Court of common Pleas, and all other persons acting under their authority, shall proceed thereon in like manner, and shall have the same Jurisdiction, and Powers for the discovering, selling, collecting, compelling payment of, receiving and distributing the Estate, real and personal of the Defendant among his Creditors, as they might or could have had, if the said Writ of Attachment had, according to the Laws of this Territory, issued out of the same Court

3d. When any Attachment shall be granted by any Justice of the peace, or any Writ of Attachment shall issue out of any inferior Court according to the directions of this Law, no second, or other Attachment, or Writ of Attachment, granted, or issued by the said Justice, or any other Justice within the same County, or by the Justices of the same inferior Court, against the real or personal Estate of the same Defendant, or the execution of them, or any of them shall bind or affect the Right, Title, Interest, or Property of, or in the real or personal Estate of the same Defendant, within the same County, or any part thereof, while

the proceedings on the said first Attachment, or Writ of Attachment remain undetermined, any Law, Usage, or Custom to the contrary notwithstanding

4.th When the said Justice of the peace, shall accept of the return of an Attachment, from the Constable as above directed; if it shall appear to the same Justice that any Cattle or other Chattels necessary to be maintained at Expence, or any perishable Goods have been attached by virtue of the same Attachment, it shall, and may be lawful for the same Justice, to order sale of them to be made by the said Freeholders; within ten days, of which public Notice shall be given, at least six days before the Sale thereof, by Advertisements set up at the most public places, near the place of Sale, and that the money arising therefrom shall be lodged in the hands of the Freeholders aforesaid to be attached, or distributed among the Creditors, in the manner herein before, or hereafter directed and appointed

5.th If no such debt exceeding Twenty Dollars, shall to the said Justice of the peace appear to be due from the said Defendant, then the said Goods and Chattels, and other Effects in the hands of the said Freeholders, shall be brought to an appraisement, but not sold (except as is herein before excepted) until the expiration of three months next after the granting the Attachment, to the end that the Debtor may have time to redeem them if he see cause. And if after the expiration of three months, as aforesaid, the debtor shall not appear and redeem them on notice thereof given to the Justice of the peace, he shall forthwith order and direct the said Freeholders, to make Sale thereof, and out of the money arising therefrom, and all other money then in their hands, from any part of the Defendant's Estate arising (reasonable charges first deducted) to make payment to the Creditors, who shall appear, and make proof of their debts, within the said three months, in proportion of their respective Debts and the Overplus, if any, to be returned to the Owner. But before any such Sale is made, the Freeholders aforesaid, shall give at least, ten days Notice thereof, by advertising in the most public places, the time and place of such Sale. And the Constable shall recieve one Dollar for serving such Attachment, and fifty Cents, for serving Execution

6.th The Freeholders aforesaid within six days next after making such Sale, and distribution, as is herein before directed, shall render a true account of their Proceedings to the Justice of the peace, who

granted the Attachment to be by him kept as a Record of their Proceedings therein

The foregoing is hereby declared to be a Law of the Mississippi Territory this twelfth day of April Anno Domini, One Thousand Seven Hundred and Ninety Nine. In Testimony of which, we have undersigned our Names, and caused the public Seal to be thereunto affixed

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law allowing Foreign Attachments

Section 1st The Lands and Tenements, Goods, Chattels and Effects Rights and Credits of every Person or Persons non resident in this Territory shall and may be attached for the payment of any just debt or other demand, by a Writ to be issued out of the general Court or any Circuit Court, or Court of common Pleas, and as early as may be shall and may be proceeded against in the same manner as is directed against the Lands Tenements Hereditaments and Estates of absconding Debtors, except where otherwise herein directed

2d Provided That every Person or Persons applying for such Writ or Writs of Attachment, shall before the issuing thereof, make Oath or Affirmation (and which shall be filed in the proper Clerk's Office) that he, she, or they verily believe, that the Person or Persons against whose Estate or Estates the application is made is, or are not at that time resident within the Territory, and that such Person or Persons is, or are justly indebted unto the said Plaintiff or Plaintiffs, in a certain Sum or Sums of money as nearly as may be to the amount of the Debt or other Demand of such Plaintiff or Plaintiffs as the case may admit, and as he, she, or they can lawfully swear or affirm to

3d. Where two or more Persons are jointly indebted either as joint obligors, Partners or otherwise; then the Writ or Writs of Attachment shall and may be issued against the separate and joint Estates of such joint Debtors, or any of them; either by their proper names, or by, or in the name or Style of the Partnership, or by whatever other Name or Names such joint Debtors shall be generaly reputed, known or distinguished within this Territory, or against the Heirs, Executors or Administrators of them, or either or any of them. And the Lands Tenements, Goods Chattels and Effects, Rights, and Credits of ~~said~~ such Debtors, or either or any of them, shall be liable to be seized and taken for the satisfaction of any just debt, or other Demand, and may be sold to satisfy the same

4th No Judgment shall be entered in any Attachment

hereby directed to be issued, until the expiration of twelve months during which Term the Party suing out the Attachment, shall, and he is hereby required to cause notice thereof to be advertised in one of the public Newspapers of this Territory at least three times whenever a Newspaper or Newspapers shall be published therein, and shall in like manner cause the same to be advertised in one of the Newspapers at the Seat of the United States Government wherever it may then be which Advertisement shall set forth that a foreign Attachment or Attachments have been issued, at whose Suit, and against whose Estate or Estates the same so issued, and that unless the Debtor or Debtors whose Estate or Estates are so seized shall appear by himself or Attorney to give special Bail to answer such Suit, that then judgment will be entered against such Debtor or Debtors by default, and the Estate or Estates attached, be sold for the satisfaction of all Creditors who shall appear to be justly entitled to a demand thereon, and shall apply for that purpose

5th. No Creditor or Creditors entitled to any share of Estates sold under this Law, shall recieve the same until he, she, or they shall enter into Bond to the Defendant or Defendants with good and sufficient Security to be approved of by the Court, and also to be filed in the Office aforesaid in double the Sum to be received with Condition thereunder written that the Party so receiving shall appear to any Suit or Suits, that shall, or may be brought by such Defendant or Defendants within the space of twelve months then next ensuing and shall pay unto such Defendant or Defendants all Sums of money which on trial to be had thereon shall appear to have been recieved, and not justly due, and owing, to such Creditor or Creditors together with Costs of Suit

The foregoing is hereby declared to be a Law of the Mississippi Territory, this Thirteenth day of April Anno Domini, One Thousand, Seven hundred and Ninety Nine. In Testimony of which we have undersigned our Names and caused the public Seal to be thereunto affixed

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law Regulating Enclosures.

All corn-fields and grounds, kept for enclosures, shall be well enclosed with fence, at least five feet high, of sufficient rails or logs and close at Bottom; or at any rate not more than three inches from the ground: and whosoever, not having their grounds enclosed with such sufficient fence as aforesaid; shall hurt, kill or do damage to any horse, mare, colt, cattle, sheep or hog of any other person, by hunting or driving them out of, or from the said grounds, shall be liable to make good all damages, sustained thereby, to the owner of such creatures. But if any horse, mare, colt, cattle, sheep, ~~lamb~~ or hog, or any kind of cattle shall break into any mans enclosure, the fence being of the aforesaid height and sufficiency, and by the view of two persons, for that purpose appointed, by the court of general quarter sessions of the peace, found and approved to be such; then the owner of such creature, shall be liable to make good all damages to the owner of the enclosure; for the first offence, single damages only, and ever after, double the damages sustained. And all persons having any unruly horses, mares, colts, cattle, sheep, lambs or hogs, that are not to be kept off by such fences, as aforesaid, are ordered and shall be obliged to take effectual care to restrain the same, from trespassing on their neighbours enclosures.

And for the better ascertaining and regulating of partition fences, it is hereby directed, that where any neighbours shall improve lands adjacent to each other, or where any person shall enclose any land adjoining to anothers land, already fenced in, so that any part of the first persons's fence becomes the partition fence, between them; in both these cases, the charge of such division fence (so far as enclosed on both sides) shall be equally borne and maintained by both parties. To which and other ends, in this law mentioned, each court of General quarter sessions of the peace, shall nominate, and is hereby required to nominate and appoint, so many honest and able men, as they shall think fit, for each county respectively; to view all such fences, about which any difference may happen or arise, and the aforesaid persons in each county respectively, shall be the sole judges of

the charge to be borne by the delinquent, or by both or either party, and of the sufficiency of all fences, whether partition-fences or others. And where they judge any fence to be insufficient, they shall give notice thereof to the owners or possessors: and if any one of the said owners or possessors, upon the request of the other, and due notice given by the said viewers, shall refuse to make or repair the said fence or fences, or to pay the moiety of the charge of any fence, before made (being a division fence) within ten days after notice given, then upon proof thereof, before two justices of the peace of the respective county, it shall be lawful, for the said justices, to order the person aggrieved and suffering thereby, to repair the said fence or fences; who shall be rembursed his cost and charges from the person so refusing to make good the said partition fence or fences; and the said costs and charges shall be levied upon the offender's goods and chattels, under warrant from the said justice, by distress and sale thereof: the overplus, if any be, to be returned to the party offending.

Provided, That nothing herein contained shall be intended to prevent or debar any person or persons, from enclosing his or their grounds, with sufficient walls or pallisadoes, or by dikes, hedges and ditches; all such walls and pallisadoes, to be in height, at least,five feet from the ground; and all dikes to be, at least three feet in height from the bottom of the ditch, and planted or set with thorn or quickset; so that such enclosures shall fully answer and secure the several purposes meant to be answered and secured by this law.

Provided also, That such walls and pallisadoes, and dikes, hedges and ditches, shall be subject to all provisions, inspection and restrictions respectively, to which by this law, any other enclosure or fence is made liable, according to the true intent and meaning hereof.

The foregoing is hereby declared to be a law of the Mississippi Territory this fifteenth day of april anno domini one thousand seven Hundred and ninety nine. In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law for the easy, and speedy
recovery of small debts.

Upon complaint made to any justice of a court of common pleas, or justice of the peace, against any person, for any debt or demand, under eight dollars; it shall and may be lawful for such justice; and he is hereby empowered, and required, to issue forth his warrant, in the nature of a summons, capias, or attachment, as the case may require, directed to the constable of the township, or district where the defendant dwells; or can be found; commanding him to bring such defendant, or causing him to come with the plaintiff, before him, or the next justice forthwith: and when such justice hath heard the proofs, by the oaths, or affirmations, of one or more witnesses, and the allegations of both parties, or such of them as will be present, he shall forthwith give judgment in the matter; which shall be final and conclusive, to both complainant, and defendant, without further appeal. But the justice who gives such judgment, shall keep fair entries of the names of the complainants and defendants, and the debt or sum contained in such judgment, with the day and year when the same was given, and execution if required, shall be awarded by the justice, against the body, or goods and effects of the defendant, or person refusing to comply with such judgment, directed to the constable. If the defendant produce effects, sufficient to satisfy the sum contained in such execution, his body shall not be held any longer; but for want of such effects, the constable is hereby required, to take such defendant into the gaol of the proper county: and the sheriff or keeper of such gaol, is hereby required to receive the person so taken in execution, and him safely keep, till the sum recovered with costs, be paid, or satisfaction made by goods or otherwise; which goods shall within three days after, be sold by public vendue, and the overplus, if any, after reasonable charges deducted, returned to the owner.

No court shall have cognizance of any of the said debts, or demands under eight dollars; nor shall the same be determined by any justice, in any other way, than this law directs; any law or usage to the contrary in any wise notwithstanding.

Provided always, That nothing herein contained, shall extend to enable any of the said justices, within the respective counties, to hear any debt for rents, or where the title of real estates comes in question.

All actions for debt or other demands for the value of eight dollars and upwards, and not exceeding twenty dollars, (except such actions as are herein after excepted) are hereby made cognizable before any justice of the common pleas, or justice of the peace in the county in which the defendant shall be, or reside: and the justices are hereby- respectively empowered and required, upon complaint to either of them, made for any such debt or demand, to issue a warrant, in the nature of a summons, or capias (as the case may require) directed to the constable of the township, or district, where the defendant dwells, or can be found; or to some other constable, near to him; commanding such constable to bring such defendant, or cause him to appear, before the said justice; at the time, and in the manner following; that is to say. In cases where such process, shall be in the nature of a capias, forthwith, after the service thereof; but where a summons shall be issued, then on some certain day therein to be expressed, not less than five, nor exceeding eight days, from the date of such process; and at the time appointed, for the hearing such cause; the said justice, having heard and examined the parties, with their proofs and allegations, shall give judgment thereupon, as the true merits and right of the cause shall appear to him; or at the request of the parties, auditors or referees shall be named by them, and being approved of by the justice, shall proceed to hear and examine the proofs and allegations of the plaintiff and defendant: and, upon the return of such auditors, the said justice shall give judgment thereupon accordingly; with such costs only, in either case, as by law are allowed in debts under eight dollars.

Provided always, That the process against a freeholder, shall be by summons only, and service thereof shall be made on the person, or a copy thereof, left at the house of the defendant, in the presence of one or more of his family, or neighbours, at least four days before the time appointed for a hearing. And in case the defendant does not appear at the time appointed; then, on oath or affirmation, made by the constable, that the said summons was duly served in manner aforesaid, the justice who granted the same summons, may either then, or on such future day, as he shall deem consistent with reason, and the nature of the case, to appoint (and not otherwise proceed) to hear and

determine such cause or causes, in the defendants absence, and give judgment, and award execution thereupon, as if the defendant had been personally present.

After judgment given, in any of the cases aforesaid, the justice who pronounced the same, shall grant execution thereupon, directed to the constable aforesaid; commanding him to levy the debt or damages, and costs; of the defendants goods, and chattels, who, by virtue thereof, shall, within the space of ten days next afterwards, expose the same to sale by public venduo, returning the overplus, if any be, to the defendant: and for want of sufficient distress, to take the body of such defendant into custody, and him or her, to carry and convey to the common Gaol of the county; and the sheriff or keeper of such gaol, is hereby required to receive the person or persons, so taken in execution, and him, her or them, safely keep, until the sum recovered with costs, be fully paid. And in default of such safe keeping, to be liable to answer the damages to the party grieved, in such manner as by law, is provided in case of escapes: but in case no assets belonging to the defendant, sufficient to pay the debt and costs can be found; it shall and may be lawful for the plaintiff to apply to the justice, who pronounced the judgment, for a transcript thereof; and on filing the same in the prothonotary's office, of the court of common pleas, in the county, in which the recovery shall be had; it shall and may be lawful for the plaintiff, to levy the sum recovered, with costs of suit on the lands and tenements of the defendant, either by fieri facias, venditioni exponas, or librari facias, as the case may require, in like manner, as by law, is provided in other cases.

Provided always, That no such execution shall be issued against any freeholder, in less than the space of three months, next after the entry of such judgment, unless the plaintiff, or some body for him or her, shall on oath or affirmation, declare that he or she, hath good reason to believe that the debt will, by such delay be lost; for that, at the end of the said term, or before it; he or she believes the defendant, will not have sufficient assets in the county, on which the said debt may be levied; and if any judgment to be given as aforesaid, shall be against a person not a freeholder, such person shall have the execution against him or her respited, for the like term of three months, on his or her entering into recognizance to the plaintiff, with one sufficient security, in the nature of special bail; on condition, to deliver the body of the defendant, to the sheriff

of the county; at, or any time before the expiration of the time so to be allowed; or that the money adjudged to be due, shall then be paid. And in default of giving such security, shall be committed to the common gaol of the county, there to remain until the debt and costs shall be paid, or such defendant otherwise legally discharged.

Provided also, That where the plaintiff in any case, shall become non suit, or judgment shall pass against him, then the justice is hereby required to assess the defendant his reasonable costs, to be levied in manner aforesaid.

Provided also, That if any person or persons, shall conceive him, her, or themselves aggrieved, by any such judgment, so to be given (cases determined on the return of auditors or referees as aforesaid only excepted) it shall and may be lawful, for such person or persons, at any time within the space of six days, next following the giving such judgment, but not after, to appeal therefrom, to the court of common pleas, next to be holden for the county, in which such suit shall be commenced; he, she or they first entering into recognizance, with at least one sufficient security, at least in double the value of the debt, or damages sued for (and sufficient to answer all costs) to prosecute the said appeal with effect, and to abide the order of the said court; or in default thereof, to be sent by mittimus to the sheriff of the county, by him to be kept, until he, she or they, shall give such security or be otherwise legally discharged.

The said justices shall cause fair entries to be made in books, by them to be provided, for that purpose; of the names of the plaintiff and defendant, in all such cases, as may come before them; with the debt and costs adjudged, and the time when the same judgment was given. And upon any appeal made from any such judgment, the justice who pronounced the same, shall send a transcript thereof, to the prothonotary of the court of common pleas, of the county, in which such appeal is made; on, or before the first day of the term, next following any such appeal; for which transcript, or any other, obtained by virtue of this law, the justice shall be allowed in the costs to be taxed, eighteen cents and no more.

At the court to which any such appeal shall be made, the person so appealing shall cause an entry of his suit to be made, by the prothonotary of such court, and shall either have his appearance entered,

or give bail to the action, as the nature of the case may require, or on neglect thereof, and application of the appellee to the court, for that end, the appellants default shall be recorded, the first judgment affirmed, with reasonable costs, and execution shall be issued out of the said court, against the defendant's body, goods or chattels as is usual in other cases. And in case the defendant shall appeal or give bail as aforesaid, the plaintiff or defendant in the appeal, as the case may require, shall file his or her declaration, and the adverse party shall plead to issue, in such time as shall be directed by the court; so always that the cause be tried by a jury of the country, in the usual manner; either at the court to which such appeal is made, or the next term at farthest; unless the court on cause to them shewn, shall think fit to give the parties a further day: and as the verdict shall be rendered in any of the said causes, the court shall give judgment thereupon, as the nature of the case may require, with costs of suit.

Provided always, That if the parties appellant, and appellee, or either of them, shall neglect or refuse, to file his or her declaration, or to plead to issue, in such time as shall be directed by the court; a non suit, or judgment by default, may be entered, for want thereof as usual.

Provided also, that the costs to be taxed in any such suit, to the several officers, and others concerned, for the services by them respectively to be done, shall be two third parts only of the costs now usually taken in the said courts of common pleas.

Provided also, that none of the justices, who, by virtue of this law, shall hear and determine, any of the causes aforesaid, out of court, shall afterwards sit on the hearing and determining the same cause, on an appeal made to any of the courts of common pleas aforesaid.

If any person or persons, whomsoever, shall commence, sue or prosecute, any suit or suits, for any debts or demands, made cognizable as aforesaid; in other manner than is directed by this law; and shall obtain a verdict or judgment therein, for debt or damages, which without costs of suit, shall not amount to more than eight dollars, (not having caused an oath or affirmation to be made, before the obtaining of the writ of summons or capias, and filed the same in the prothonotary's office, respectively; that

he, she or they so making oath or affirmation did truly believe the debt due or damage sustained, exceeded the sum of eight dollars) he, she or they, so prosecuting, shall not recover any costs in such suit: any law, usage or custom to the contrary notwithstanding.

Provided also, That this law, nor anything herein contained, shall be deemed, construed, or understood to extend to actions of debt for rent, debt upon bonds, for performance of covenants, to actions of covenant, to actions of replevin, or upon any real contract; nor to actions of trespass on the case, for trover and conversion, or slander; nor to actions of trespass for assault and battery, or imprisonment; nor to such actions where the title of lands, shall anywise come in question.

The foregoing is hereby declared to be a law of the Mississippi Territory, this Seventeenth day of April anno domini one thousand seven hundred and ninety nine. In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law authorizing the Governor to establish public Ferries.

Whereas, the convenience of the inhabitants of this Territory, requires that public ferries should be established. And as no laws concerning Ferries can be found for adoption, but such as are of a local, and not general nature. And it being essential that ferries should immediately be established throughout this Territory, and a mode directed for fixing the rates of ferriage.

Be it therefore enacted, That the Governor be authorized to declare, by proclamation or otherwise, from time to time, what ferries shall be established, by whom to be kept, and the place where.

Be it also enacted, That the several courts of Quarter sessions, be, and are hereby authorized and empowered, to fix from time to time, the rates to be demanded at the Ferries, now, or hereafter to be established, in their respective counties; having regard to the distance which the ferry boats have to travel, and the danger or difficulties incident to the same.

And if any person without authority as aforesaid, shall hereafter keep or maintain a ferry, or being authorized by the Governor shall take higher ferriage or fare that shall be allowed by the courts of Quarter sessions as aforesaid; he shall forfeit, and pay to the use of the county, where such offence is committed, the sum of fifty dollars; to be recovered by information or indictment in any court having cognizance of the same.

The foregoing is hereby declared to be a law of the Mississippi Territory this twenty fifth day of May, anno domini, one thousand seven hundred and ninety nine. In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

An Act to Regulate the admission of Attornies

No person shall be admitted to practice as an attorney, in any of the courts of this Territory, until he shall have produced full and sufficient testimonials, to the Governor; that he is a good moral character, and well affected to the Government of the United States, and of this Territory; that he has had opportunity to qualify himself for the said office, and by examination before one or more of the Territorial judges, shall be found to have made such proficiency, as will render him useful therein. - And further shall in open court, have taken and subscribed the oath prescribed to all officers, by an act of the United States, and an oath in tenor following. -

"I swear that I will do no falsehood, nor consent to the doing of any, in the courts of justice; and if I know of an intention to commit any, I will give knowledge thereof to the justices of the said courts, or some of them, that it may be prevented. I will not wittingly or willingly, promote or sue any false, vexatious, groundless or unlawful suit, nor give aid or consent to the same, and I will conduct myself in the office of an attorney within the said courts, according to the best of my knowledge, and discretion, and with all good fidelity, as well to the courts, as my clients, so help me God."

Any person may plead, and manage his own cause personally; and with the assistance of such counsel, as he shall see fit to engage; but in no suit shall the plaintiff or plaintiffs, be allowed to manage their cause, by more than two attornies; nor shall the defendant employ a greater number: and where there shall be only two attornies attending the courts, in any of the counties of this Territory, neither the plaintiff nor defendant shall be allowed more than one, nor in any cause shall fees for more than one attorney be taxed or allowed.

The foregoing is hereby declared to be a law of the Mississippi Territory, this first day of may anno domini, one thousand seven hundred and ninety nine In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law devorcing John Walton from his Wife

In consideration of the reciprocal desire and request for a devorce vinculo matrimonii of John Walton of the County of Adams and his Wife Nancy, to us expressed by petition in writing on the part of Husband, setting forth good and sufficient reasons why the prayer of said petition shall be granted. And considering the adulterous cohabitation of the said Nancy with another man in the absence of her Husband confessed and otherwise sufficiently proved, whereby she is pregnant; and her sterility during eight years cohabitation with her Husband as totally destructive of the ends of marriage, to wit, happiness and the procreation of children. The dissolution of the marriage contract of the said John Walton and said Nancy is hereby ordained and their relation of Husband and Wife is declared no longer to exist.

The foregoing is hereby declared to be a Law of the Mississippi Territory this twenty seventh day of May Anno domini one thousand eight hundred. - In testimony of which we have undersigned our names, and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law in addition to the Laws, for the Regulation of Slaves and Indians.

Whereas, the laws prohibiting trade with Indians and slaves, under certain conditions therein prescribed, have proved inadequate to that purpose; and it appears that frauds are perpetrated, and much public injury sustained from the licence that slaves from time to time receive to traffic in Cotton

It is enacted, that if any slave or slaves be countenanced or permitted by his, her or their master, owner or overseer, in raising or vending said article, for the profit and advantage of such slave or slaves; the Master, owner or overseer aforesaid, and the purchaser, each of them shall forfeit and pay to the use of the Territory, and the informer in equal moities, one hundred dollars for the first offence, on conviction before any Court having cognizance thereof in this Territory: and for the second offence, the Master, owner, overseer or purchaser, shall be liable to double the aforesaid penalty, and the slave or slaves so offending, shall be publicly whipped, not exceeding fifty stripes.

And if any person or persons shall be convicted before proper authority, of countenancing or conniving in any way or manner whatsoever, at the keeping or owning of horses, by his, her or their slaves; such person or persons shall pay a fine of fifty Dollars, to be appropriated as the foregoing penalty. - And any justice of the peace, grand juror, or other civil officer of this Territory, who shall forbear to present, inform or act ex officio, on their own private knowledge of a violation of this law; such person, if a Magistrate or other officer in Commission, shall be deemed guilty of a misdemeanor, fined not exceeding two hundred dollars by the Court before whom the offence is cognizable, and removed from office; and if a grand juror, he shall be subject to the pains and penalties of perjury prescribed by a statute of this Territory.

And in order that persons dealing with Indians as well as Slaves, without the permission required by a law of this Territory, may be more easily convicted. If any Indian or slave shall be seen going

into any store, or other house; and such Indian or slave shall carry into such store or house, any article which may be supposed for sale, or any bottle, jug or other thing in which liquor may be conveyed, or shall bring out of such house or store, any thing which may be supposed to have been purchased therein, and proof shall be made of the fact; the same shall be deemed sufficient to convict the storekeeper or housekeeper of a breach, and he shall incur the penalties of the laws of this Territory, interdicting traffic with Indians and slaves without a permission from the Master, owner or overseer or the Superintendent as the case may be.

The foregoing is hereby declared to be a Law of the Mississippi Territory, this twenty seventh day of May, Anno Domini, one thousand eight hundred. In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law creating the office of clerk of the Legislature.

A clerk of the Legislature shall be appointed and commissioned.

Before he enters upon the duties of his office he shall take and subscribe the following oath (or affirmation) to be administered by the Governor, To wit,

I A. B. do solemnly swear (or affirm) that I will execute to the best of my abilities, the duties which now or hereafter shall pertain to the office of clerk of the legislature: So help me God.

It shall be his special duty from time to time to engross, or cause to be engrossed fairly, and accurately in words at length all acts, or laws, which the legislature may pass, in order that the same may receive the territorial seal, and the signature of the legislators passing the same.

He shall discharge such other duties as the legislature may from time to time think expedient and proper.

He shall receive out of the revenues of this Territory (whenever there shall be funds belonging to the same) the sum of sixteen cents for every sheet of one hundred words which he shall engross. And for all other services, such sum as shall be deemed reasonable by the legislature, and upon warrant from the Governor.

The foregoing is hereby declared to be a law of the Mississippi Territory this third day of October, Anno domini, one thousand seven hundred and ninety nine. In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

Wm. McGuire

Peter Bryan Bruin

Mississippi Territory

(Seal)

A Law to impose a fine on persons refusing to fill the office of constable.

Be it enacted, that the court of common pleas shall have power to impose a fine not exceeding fifty Dollars, on any person who being appointed a constable, shall refuse to take upon himself the office, and fulfil the duties thereof.

As the fees for the duties of constables are not ascertained by the fee bill, they shall in future take the following fees and no more. For serving a warrant or subpoena, twenty five cents. For levying all executions six per centum upon the money received, which shall be paid by the person against whom the judgment is given, and six cents for each and every mile, which shall be necessary for the constable to travel from home in the fulfilment of his duty: and the Magistrate before whom such warrant shall be tried or subpoena returned shall tax the costs accruing thereon.

The foregoing is hereby declared to be a law of the Mississippi Territory this fifth day of October. Anno domini one thousand seven hundred and ninety nine. In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

Wm. McGuire

Peter Bryan Bruin

Mississippi Territory

(Seal

A Law to provide for the Inspection of Gins, Cotton Presses, and cotton intended for exportation from this Territory.

To promote the interests of this Territory; by establishing at foreign market, the good reputation of the staple of this country; there shall be recommended to the Governor, by the Courts of Quarter Sessions for the several counties; a sufficient number of suitable persons, to be appointed Inspectors of Cotton Gins, Cotton Presses, and Cotton; who upon approbation of the Governor, shall be commissioned under the seal of the Territory. And whose special duty it shall be, to visit the Gins, and cotton houses in their respective Districts, quarterly, in the same months in which the inferior Courts are holden. - And at all other times, when they may be thereunto required by the owners of new Gins, or such as having been injured, shall have undergone the necessary repairs: or whenever they may have reason to believe any fraud to the public is intended. And in all cases where the mechanism of the Gins, and presses is proper, and sufficient; and the cotton intended to be ginned of good merchantable quality; they shall give certificates thereof to the owners, authorising them to continue Ginning, and packing merchantable cotton, during the good order of their Gins, and no longer.

And if any person within this Territory, shall presume to gin for foreign market, without such certificate first had and obtained -- or if any person whomsoever shall knowingly, and wilfully cause or permit, any but good and merchantable cotton, passing through his or any other Gin; to be put up in square bales, or after the manner usually practiced for exportation, and contrary to the true intent and meaning of this law, he shall, for each and every such offence, forfeit and pay two fold the value of an equal quantity of merchantable cotton, so packed, to be recovered in the courts of common pleas: one moiety of which shall be to the use of the Territory, and the other moiety to the prosecutor suing to effect; and the cotton shall be publicly burned. -- Provided, that cotton of an inferior quality may be exported in round bags, compactly put up; always bearing the words INFERIOR COTTON,

thereupon in capital letters - the same being accompanied with a certificate from an inspector, solemnly made upon oath, before one of the justices of the Quorum or common pleas, of the value thereof, comparative with the good and merchantable cotton of the Territory.

The owners of Gins shall cause to be marked in capital letters, upon each, and every bale of Merchantable Cotton intended for exportation M. T. with the initial letters of their christian, and the whole of their sur-names; together with the number of pounds in each bale. -- And if any person shall presume, with fraudulent intent, to inscribe upon any bale of Cotton, other than the marks of the Gin, where the same was Ginned, and packed; he shall upon conviction thereof, be punished as is provided for the commission of fraudulent Deeds, by the statutes of the Territory.

Each and every inspector, shall upon receiving his commission, take the oath prescribed for all officers by the statutes of this Territory. -- And as a compensation for his services, be entitled to receive for every Certificate granted, of the sufficiency of a gin, and press, one Dollar; and for every day he shall be employed in inspecting the quality of Cotton (not exceeding two days at any one plantation) two Dollars per day; with an allowance of eight cents per mile, for every mile he shall travel, to, and from the place of Inspection; Which compensation shall be made by the owners of Gins respectively.

The foregoing is declared to be a law of the Mississippi Territory to take effect, from, and after the first day of July next. In testimony of which, we have undersigned our names, and caused the public seal to be thereunto affixed, this fifth day of October, Anno domini one thousand seven hundred and ninety nine.

Winthrop Sargent

Wm. McGuire

Peter Bryan Bruin

Mississippi Territory

(Seal)

A Law pointing out the mode of entering
Special Bail out of term time.

It shall be lawful for any defendant in an action where special bail is required, to go before any one of the Territorial judges, or a justice of the peace, for the County- wherein the suit was originated, to take recognizances of special bail in the following form. To wit.

Be it known, that on the _____ day of _____ in the year _____ came A. B. before me C. D. a justice of the peace, in and for the county of E. and undertook in behalf of F. G. to be his special bail, in an action of _____ now depending in the Court of the said County of E. wherein H. I. is Plaintiff, and the said F. G. Defendant; and in case the said F. G. should be cast in the action, he shall pay and satisfy the condemnation of the court, or surrender his body in custody, or that he the said A. B. will do it for him. -- Given under my hand and seal, the day and year above written. C. D.

Which recognizance of special bail, shall be filed in the clerks office, amongst the papers in the suit to which it has reference but the plaintiff may object to the sufficiency of the bail at the succeeding court, of which objection the defendant shall have ten days notice, previous to the day on which such objection is intended to be made; provided the recognizance of bail be filed fifteen days before the Court, at which such objection should be made; and if the Court shall be of opinion, that the bail is not sufficient, the suit shall remain in the same situation, as if no such recognizance had been filed.

The foregoing is hereby declared to be a law of the Mississippi Territory this twenty first day of september. Anno Domini, one thousand seven hundred and ninety nine. In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

Wm. McGuire

Peter Bryan Bruin

Mississippi Territory

(Seal)

A Law to prevent the importation of
Distempered Cattle into this Territory.

Whereas, serious evils may arise to the people of this Territory by the importation of distempered Cattle; for remedy whereof.

Be it enacted, that any person importing into this Territory cattle afflicted - with a contageous distemper, shall be subject to a fine of ten Dollars, for every head so imported; recoverable before a single Magistrate with a right of appeal; one half of which, shall be for the use of the Territory and the other half for the use of the person sueing for the same.

The foregoing is hereby declared to be a law of the Mississippi Territory this twenty first day of September. Anno domini, one thousand seven hundred and ninety nine. In testimony of which we have undersigned our names, and caused the public seal to be thereunto affixed.

Winthrop Sargent

Wm. McGuire

Peter Bryan Bruin

Mississippi Territory

(Seal)

A Law fixing the place where the supreme Courts for this Territory shall be held, the number of Sessions, and the time for holding them.

Two sessions of the supreme Court shall be held in each county annually; at the usual place of holding the inferior Courts, of the several Counties. to wit, for the County of Adams, on the third Monday in September, and April: and for the county of Pickering, on the fourth Monday in September, and April.

There shall be held at the Courthouse of the County of Adams, on the second Monday in the Month of January, in every year, a supreme Court of Appeals, in which not less than two of the Territorial judges shall sit; which Court shall have jurisdiction in all cases, matters and things, which shall be brought before them by appeal from any inferior Court; ----- habeas corpus, certiorari, writ of error, supersedias, mandamus, or by any other legal ways or means.

The foregoing is hereby declared to be a law of the Mississippi Territory this twenty first day of September. Anno domini, one thousand seven hundred and ninety nine. In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

Wm. McGuire

Peter Bryan Bruin

Mississippi Territory

(Seal)

A Law directing in whose name Recognizances shall be taken.

All recognizances hereafter taken, for any breach of the peace, for the prosecution of offenders against the laws, or in any case whatsoever, where a recognizance may be necessary; shall be made payable to the Governor, for the time being, and his successors in office, any law to the contrary notwithstanding.

The foregoing is hereby declared to be a law of the Mississippi Territory this twenty first day of September. Anno domini one thousand seven hundred and ninety nine. In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

Wm. McGuire

Peter Bryan Bruin

Mississippi Territory

(Seal)

A Law to enable an obligee or obligees to bring an action on a joint obligation against one or more of the obligors when any of them are not residents of this Territory. And also to make obligations and promissary notes assignable and also receipts for Cotton.

Whereas, inconveniencies will arrise to the inhabitants of this Territory, for want of a Law, to enable them to bring suits against one or more of the obligors, in a joint obligation, when some of them are non residents; for prevention of which, Be it enacted, that any person, may sue out an original writ or mesne process, against one or more persons joined in an obligation; where any of the obligors are not residents of this Territory.

It shall be lawful to assign obligations, and promissary notes: and also to assign such receipts as are usually given by the owners of Cotton Gins, which shall be recoverable by an action on the case against the person giving such receipt. And in case of the insolvency of such receiptor, against the person or persons making such assignment.

The foregoing is hereby declared to be a law of the Mississippi Territory this twenty first day of September. Anno Domini one thousand seven hundred and ninety nine. In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed

Winthrop Sargent

Wm. McGuire

Peter Bryan Bruin

Mississippi Territory

(Seal)

A Law directing the mode of binding apprentices.

The overseers of the poor for the several Townships, where there are orphan children who are chargeable to the county, or likely to become so; shall apply to the Court of Quarter sessions, held for the county, in which such poor children reside, to grant an order for such overseers, to bind the children as apprentices, to any reputable and discreet person, who may be willing to take them: the male children until they arrive at the age of twenty one years, and the female children until they arrive at the age of eighteen years; and the person to whom an apprentice shall be bound, shall engage by a covenant to be entered in the Indenture, to provide the apprentice with a sufficiency of good and wholesome provisions, necessary cloathing, washing and lodging, teach the said apprentice the business or occupation, which he pursues for a livelihood, and also to read, write, and cypher as far as the rule of three; and at the expiration of the apprenticeship, to furnish the said apprentice with one complete new suit of cloathing, and two shirts; if a female, one complete new suit of cloaths and two shifts.

It shall be lawful for the Court of Quarter sessions, upon the complaint of the overseers of the poor, or of any apprentice, by themselves or friends, against their masters or Mistresses, to hear and determine; and if it shall appear to the satisfaction of the court, that such complaint be well founded, and of sufficient magnitude to make a removal necessary; the court shall have power to remove such apprentice, and bind him, or her, to such other person as they shall think proper.

The foregoing is hereby declared to be a law of the Mississippi Territory this twenty first- day of September. Anno domini, one thousand seven hundred and ninety nine. In testimony of which we have, undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

Wm. McGuire

Peter Bryan Bruin

Mississippi Territory

(Seal)

A Law to devorce Elizabeth Hutchins, from John Hutchins, Her Husband.

For good causes appearing to the Governor and Judges. Be it enacted, that from and after the date hereof, the said Elizabeth Hutchins is devorced a Vinculo Matrimonii to the said John Hutchins. And it shall be lawful for the said Elizabeth Hutchins to institute one or more actions of detenue, (or any other action which may be necessary) by her next friend against the said John Hutchins, to recover the property which of right belongs to her, and which was given for her advancement in marriage.

The foregoing is hereby declared to be a Law of the Mississippi Territory this third day of October, anno domini, one thousand seven hundred and ninety nine. In testimony of which we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

Wm. McGuire

Peter Bryan Bruin

Mississippi Territory

(Seal)

A Law extending and defining the limits of the Goal yards in this Territory.

The Territorial Judges, or any two of them, shall so soon as it shall by them be deemed expedient, determine the boundaries of the Goal yards appertaining to Goals in the several Counties in this Territory; and extend the boundaries and limits of the same as far as the local situation of the Goals, and the health, convenience and accomodation of the prisoners may require. And any person now imprisoned, or who may hereafter be imprisoned on mesne process, in any civil action, or upon execution founded thereon, shall be permitted to have boarding and lodging in any of the houses, or apartments, belonging to said prison, or within the limits fixed and defined by authority aforesaid, together with the liberty of such yard or limits, upon reasonable payment made to the prison keeper, or other person, in consideration of boarding and accomodation, but not to pass without the boundaries of the prison yard; such person giving bond to the Creditor, with two sufficient sureties being freeholders, in the Territory, to be bound jointly and severally in double the sum, for which, such prisoner is confined and with a condition expressed in the same bond, in form following, to wit. "that the above bounden now a prisoner in the Goal of at the suit of do and shall from and after the signing and sealing of said bond continue a true "prisoner in the custody, guard, or safe keeping of the keeper of said prison, or in the custody, "guard and safe keeping of his deputy office steward, or some one of them, within said limits, "as by law established, until he shall be thence lawfully discharged and without committing "any escape in the meantime, then, this obligation to be void, else to be considered in full "force and virtue." And the blanks of said contition shall be filled up as the several cases may require. And if the sureties are not approved by the creditor, his agent or attorney prosecuting the action; then, any two justices of the Common pleas, or any one judge of the supreme Court (not interested in the event of the suit,) may on application of the prisoner, judge of the competency of the sureties offered by such prisoner and their approbation of such sureties, certified on the back of said bond shall be deemed sufficient. The bond

shall remain with the sheriff or Goal Keeper, until the creditor or his attorney demand the same, when, it shall be given up to the said creditor, or his attorney, and the sheriff or Goal Keeper shall not be liable to any action, for any except of any such person, after the execution of said bond. And on condition broken, the said creditor may put the said bond in suit, and shall be entitled to recover his just debt and damages and costs, for which such prisoner stands committed, and shall be allowed ten per centum interest from the time of commitment, and the court having jurisdiction in the cause, shall chancer the said bond accordingly. -- Provided, that no prisoner claiming the benefit of the prison limits under this law, shall (during such indulgence) be entitled to any subsistence, at the expence of the Creditor. Any law of this Territory to the contrary notwithstanding.

The foregoing is hereby declared to be a law of the Mississippi Territory, this twenty seventh day of May, Anno Domini one thousand eight hundred. In testimony of which, we have undersigned our names and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law in addition to, and amendment of the Law for the permanent establishment of the Militia of the Mississippi Territory.

No officer or soldier directed to appear and muster by the law for the permanent establishment of the Militia of the Mississippi Territory, shall be liable to be taken or arrested in any civil action or process whatever, on the day such person or persons is, or are directed to appear; or in any reasonable time, either in going to, continuing at, or returning from the place appointed to muster or appear; but every such arrest is hereby declared to be void. And no noncommissioned officer or private shall be deprived of the arms and accoutrements required by the Militia law, by execution issuing on an action of debt or any civil process whatsoever.

And every person required by the said law to attend musters, and reviews; going to or returning from the same, shall be suffered to pass over any Ferry without delay, free from any charge whatsoever. And if any Ferryman shall demand pay, delay or refuse, to put such person over, he shall forfeit for every such offence, the sum of eight Dollars, one half to the complainant, and the other half to the Territory, to be recovered before a justice of the peace.

And whereas it is represented, that the company muster and field days, ordained by law for the Militia of this Territory, are so frequent as to produce inconvenience and injury to the industrious yeomanry, and that a less number of parade days, with due attention of officers and privates might equally promote the intention of the law. - It is hereby declared, that two field days only shall be exacted yearly, in each and every County, and to be named by the commandants of legions with the approbation of the commander in chief. And that the commander in chief may reduce the muster days, of each and every company of Militia within the Territory to six annually, upon receiving sufficient proof of their full compliance with the laws and regulations for the permanent establishment of the Militia.

Legionary commandants who may neglect to appoint the field days required by law, and Captains or Commanding officers of companies, who shall fail in their duty of assembling and exercising their men upon the regular stated muster days; or shall omit any lawful means to compel general attendance, and the due punishment of delinquencies, shall be tried by a Court Martial, and sentenced to pay a fine, to be publicly repremanded, or cashoired, or to suffer all or either of those punishments at the discretion of the Court.

All fines shall be collected in manner as has been before provided by a statute of this Territory but the warrants of distress shall be directed to, and executed by the sheriff of the proper County, any former law to the contrary notwithstanding.

The foregoing is hereby declared to be a law of the Mississippi Territory this twenty seventh day of May Anno domini, one thousand eight hundred. - In testimony of which we have undersigned our names, and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law authorising the Session of the Supreme Court at the County on Tombeckbee, whenever it shall be established.

Whereas it appears expedient to his Excellency the Governor, for the more equal administration of Justice within the Territory; that a new county be erected and established, embracing all the settlements that are, or may hereafter be established on the waters which compose the Tombeckbee, Alibama, Mobile and Tensaw Rivers; and according to certain limits hereafter to be defined by his Excellency the Governor's proclamation ascertaining the same.

Be it therefore enacted, that the Supreme Court, may, and shall be opened and held, as soon as may be after the promulgation of the Governor's ordinance, directing when and where, the Courts of Common pleas, and Quarter Sessions shall be holden in said County. And all process issued from said Supreme Court and returnable to the same, whereon Judgment and decision is not had and made, shall be held and deemed valid by continuance to the next Court, that shall or may sit, by a Law, fixing the times of its future Sessions.

The foregoing is hereby declared to be a Law of the Mississippi Territory, this twenty seventh day of May, Anno Domini, one thousand eight hundred. In testimony of which, we have undersigned our names, and caused the public seal to be thereunto affixed.

Winthrop Sargent

P Bryan Bruin

Daniel Tillton

Mississippi Territory

(Seal)

A Law to alter the times of holding the Supreme Court in the County of Adams, and for other purposes.

Be it enacted, by the Governor and Judges, of the Mississippi Territory, that from and after the passing of this Law, the Supreme Court of this Territory shall be held, in and for the County of Adams twice in each year and shall commence annually on the second Mondays of October and April, and may be continued by adjournments from day to day, so long as in the opinion of the Judges thereof the same may be necessary.

And be it further enacted, That it shall be the duty of one or more of the said Judges, to attend at the usual place of holding said Court in said County, on the second Monday of the present Month; and then and there to open said Court, in, and for the said County of Adams; and then and there to receive, hear and determine all, and all manner of causes, suits or actions, as well Criminal or pleas of the Government, as Civil, that are, or may be by Law cognizable and determinable in, before or by the said Court; and thereupon to give Judgment, and award Execution: And all Causes, suits and actions, as well criminal as Civil that may now be depending in the said Court, shall stand continued to the Term of said Court to be held on the said second Monday of the present Month, in the same manner, and with the same effect as the same would have stood continued to the next succeeding Term if this Law had not been passed. Provided always, That this Law shall not operate or be construed, to work any discontinuance of any original Writs or other process that may have been issued since the last Term of said Court, but the same shall be returned to the next April Term of the said Court, unless the said Court for sufficient cause shall otherwise order.

And for carrying into effect the provisions of this Law, it shall be lawful for a Writ or Writs of venire facias, or other necessary process, to Issue Tested of the last Term of the said Court that hath been held, and returnable to the Term thereof next to be holden, as either of the said Judges may direct; which writs or other process shall be executed in the

usual manner, and shall be deemed good and effectual in Law - any Law to the contrary notwithstanding.

And be it further enacted, That the said Court hereby directed to be next holden, shall be thereafter deemed the regular stated Term of said Court, and all process Issuing therefrom shall bear Test accordingly.

And be it further enacted, That in future the supreme Court of the Territory, shall be held twice in each year in the County of Washington; the second Term thereof to commence on the first monday after the expiration of six months from the first Court that shall have been holden in the manner the Laws now in force Direct.

And be it further enacted, That no suit shall be originally commenced in any of the ~~said~~ Supreme Courts in this Territory for any Debt or demand of less value than three hundred Dollars: And if any suit shall be commenced contrary to the true intent and meaning hereof, or if any person shall demand a Greater sum than is due, on purpose to evade this act, in either case the plaintiff shall be nonsuited, and pay costs. - Provided always, That if the plaintiff, or any other person for him, will make an affidavit (to be filed in the Court) that the sum for which this suit shall be brought is realy due, but that for want of proof, or that the time limited for the recovery of any article, bars a recovery; then, and in that case, such plaintiff shall have a verdict and Judgment for what appears to be legally proved, any thing herein to the contrary notwithstanding. And provided also, That nothing herein contained shall extend, or be construed to extend, to suits on Bonds, penal Bills, or any other action of debt grounded on a penalty, where the ballance due on such Bond or penal Bill, or other action of debt, is not of less value than the sums herein before mentioned, to be limited for bringing suits in the said Courts.

And be it also enacted, That if the plaintiff or other person shall hereafter swear falsely, in order to obtain a recovery in any of the said Courts; he shall upon conviction thereof, be adjudged guilty of perjury, and suffer as in cases of wilful and corrupt perjury

The foregoing is hereby declared to be a law of the Mississippi Territory this second day of October Anno domini one thousand eight hundred. In testimony of which we have undersigned our names, and caused the public seal to be thereunto affixed.

Winthrop Sargent

Seth Lewis

P Bryan Bruin

Mississippi Territory

(Seal)

A Law to alter, and amend a Law heretofore passed in this Territory, entitled "A Law fixing the place where the Supreme Courts for this Territory shall be held, the number of Sessions and the time of holding them," and for other purposes.

1 Be it enacted, That from and after the passing of this Law, the Supreme Courts of this Territory, shall cease to be held in the several Counties in the manner heretofore directed by Law.

2 And Be it enacted, That the Supreme Court shall be held twice in each and every year, at the usual place of holding Courts in the County of Adams, shall be Called the Supreme Court of the Mississippi Territory; and shall have and exercise Jurisdiction over all causes, matters and things, arising in any part of this Territory, which are, or have heretofore been by Law Cognizable, in any of the Supreme Courts heretofore established in this Territory.

3 And be it further enacted, That all records of any suits, Causes, actions, and prosecutions, of what nature soever the same may be, either Criminal or Civil that are now commenced or depending in any of the Supreme Courts heretofore established in the several Counties of this Territory, shall, as soon as may be after the passing of this Law, be transfered to, and entered in the Supreme Court hereby established, and shall therein be proceeded upon according to Law.

4 And be it further enacted, That the said Supreme Court, or any of the proceedings therein depending, shall not be discontinued by reason of the Death of any of the Judges thereof, or by their not attending at any Term; but in such cases, all Pleas, Causes, matters and things therein depending, shall stand continued, and remain in the same condition in which they shall then be, to the next succeeding Term.

5 And the better to provide for the administration of Justice in the said Court, Be it enacted, That the Justices of the Court of quarter Sessions of the County of Adams, at each and every of their sessions

which shall be held next before any Term of the said Supreme Court hereafter to be holden, shall select and appoint thirty two - Good and Reputable men, freeholders of their County, and shall thereupon direct their Clerk to issue a Writ of Venire facias, directed to the Sheriff of their County, to summon the said Freeholders to appear, and serve as Jurors at the next succeeding Term of the Supreme Court; and the Justices of the Court of quarter Sessions for the County of Pickering, shall in like manner cause to be summoned Twenty Six---- good and lawful men freeholders of their County, to serve as Jurors as aforesaid; and the said freeholders shall be bound to obey such summons under the penalty prescribed by Law in similar cases.

6 And be it further enacted, That a number of the said freeholders not less than thirteen, nor more than twenty three, shall be drawn for by Lot, who shall serve as the Grand Jury, and the remainder of the said freeholders, shall be the traverse or petit Jurors to serve during such Term of said Court; and each Juror so attending and serving as aforesaid, shall be allowed, and receive one Dollar for each day he shall serve; and the like sum for every twenty five miles he shall travel going to, and returning from said Court, to be paid out of the Treasury of the County to which he shall belong; and such service shall be ascertained by the Juror on oath, before the Clerk of said Supreme Court; who shall enter the same of record, and thereupon shall deliver to such Juror a Ticket under his hand, which shall be a good and sufficient Warrant for the County Treasury, to pay such Juror the sum of money appearing to be due by such Ticket.

7 And be it further enacted, That when any original process shall be issued from any Court of record in this Territory, whereby any person shall be called upon, or arrested to answer, in any Court of Justice in said Territory: To a non-resident thereof, Bond for prosecution, with sufficient surety, shall be taken, and filed in the Clerks office previous to the issuing such process, payable to the Defendant, in the penal sum of two hundred and fifty Dollars, conditioned that the Plaintiff or Plaintiffs, shall well and truly prosecute the suit thereon with effect, or in case he or they shall fail therein, that he, or they shall well and truly pay and satisfy all Costs into which he or they shall be condemned in said suit; and in default thereof the Attorney who appears in the suit for such non-resident, shall be answerable for the payment of such costs. And in every case

where it shall appear reasonable to the Court, into which any such process may be returnable, they are hereby empowered, on motion of the defendant, to order the plaintiff to give bond as aforesaid, on penalty of having such action dismissed at the plaintiffs proper Costs.

8 And be it further enacted, That it shall be the duty of the Clerks or other officers, issuing any process, either Original or Judicial, to mark thereon the day of issuing the same, and the sheriff or other officer, receiving the same to execute, shall likewise mark thereon the day on which he shall have received it: and every person failing herein shall forfeit and pay the sum of fifty--Dollars to any person who shall sue for the same.

9 And be it further enacted, That all Writs and other process, original or Judicial (except subpoenas for witnesses) shall be made returnable on the first day of the Term succeeding the issuing thereof: and if made returnable on any other day, shall be adjudged void on the plea of the Defendant. And if the sheriff or other officer, shall neglect to return such writ or process, on the first day of the Term, he shall be liable as is usual on the expiration of a rule for the return of the same. Provided, that nothing herein shall be construed to invalidate any process, warrant, or precipe to be issued by any Judge or Justice of said Court, or other officer thereto authorized by Law, on any criminal prosecution, on behalf of the Government; but that the same may be issued at any time, and made returnable to any day of the Term. And all process shall be directed to the sheriff or other officer of the proper County, and be by them executed.

10 And be it further enacted, That in all actions founded on any specialty, Bill, or note in Writing, signed by the Defendant, or on the Judgment of any Court, foreign or domestic, and the nature of such action endorsed on the Writ, attested by the Clerk, or Attorney for the plaintiff, setting forth the dates of such specialties, bills, notes, or Judgments, and the sum or sums which appear thereby secured and unpaid, the Defendant or Defendants shall be held to bail of course, for the sum or sums so endorsed. - And in all actions of account, Covenant broken, and actions founded on Verbal Contracts, and assumpsits in Law, in which the plaintiff or other credible person, can ascertain the sum or sums due, or damages sustained; and either of them make affidavit thereof (to the best of his or her knowledge and belief) and

the same may be filed in the Clerks office, the Clerk shall endorse on the Writ the sum so sworn to, and the Defendant or Defendants shall be held to bail for the sum or sums so endorsed. - And, in actions sounding merely in Damages where the same cannot be ascertained as aforesaid, the Defendant or Defendants shall not be held to bail, except by order of the Court, or some one of the Judges or Justices thereof, upon sufficient cause shewn by affidavit, and such order and the sum for which bail is required, be endorsed on the Writ by the Court, Judge or Justice. - Provided that Executors, and administrators, when sued in such Capacity, and persons sued on such penal statutes as do not expressly require bail, shall not be held to bail in such suits. - And every person unlawfully held to bail, may be discharged therefrom on motion to the Court into which the Writ is made returnable, and filing Common bail. And in every action wherein bail is not required, the process may be by capias ad respondendum, and it shall be endorsed thereon by the Clerk, or plaintiffs attorney, that "No bail is required" to which an appearance may be effected by filing Common bail. And when any Writ shall issue from any of the said Courts, whereon bail is required, the sheriff or other officer (to which ever the same may be directed) shall take a bail bond, with sufficient surety or sureties, in a penalty of Double the sum for which bail is required, by the indorsement on such Writ; which said Bond the sheriff, or other officer, shall return with such Writ, and in case the sheriff or other officer, shall neglect to take such Bond, or the bail returned be held insufficient, on exception taken, and entered, the same Term to which such Writ shall be made returnable: the Sheriff, or other officer, (having due notice of taking such exception) shall in either Case be deemed and stand as special bail, and the plaintiff may proceed to Judgment against such sheriff, or other officer, as in other cases against special bail.

11 And be it further enacted, That all bail bonds returned to any of the said Courts, shall be assigned by the sheriff or other officer returning the same, by indorsement thereon in the following form, to wit -- I A. B. sheriff (or Coroner as the Case may be) of the County of do hereby assign the within obligation and condition to C. D. his Executors and Administrators, to be sued for according to the Statute in such case made adopted and provided. In witness whereof I have hereunto set my hand and seal this day of in the year of our Lord one thousand eight hundred and any sheriff or other office failing

to make such assignment, shall be deemed and held as special bail in the same manner as if no bail had been taken.

12 And where any sheriff shall return that he hath taken the body of any Defendant, and committed him to the Prison of his County (which is hereby declared to be the proper prison for such committment) the plaintiff may enter the defendants appearance, and he shall be at liberty to plead as if such appearance had been entered by himself; and the plaintiff may proceed to Judgment as in other cases. - Nevertheless the defendant shall not be discharged out of custody, but by putting in bail, or rule of Court, or special order of a Judge of the supreme Court.

13 All bail taken according to the directions of this act, shall be deemed, held, and taken as special bail, and as such liable to the recovery of the Plaintiff, but the plaintiff shall not take out Execution against such bail, until Execution hath been first returned that the Defendant is not to be found in his proper County, and until a scire facias hath been made known to the bail, which Scire Facias shall not issue until such Execution shall have been so returned; and after the return of such Execution against the principal, and scire Facias against the bail, Execution may issue against the principal and his securities, or any of them, or any of their Estates, unless the bail shall surrender the principal, or shall appear and plead upon the return thereof.

14 And be it further enacted, That the bail shall have liberty at any time before final Judgment obtained against them, to surrender to the Court from whence the process issued, or to the sheriff returning such process during the sitting of the Court, or to the sheriff during the recess of the Court, the principal in discharge of themselves, and such bail shall at any time before such Judgment had, have full power and authority to arrest the body of the principal, and secure him until they shall have an opportunity to surrender him to the sheriff who made the arrest, or to the Court to which the process was returnable; and such sheriff is hereby required to receive such surrender, and hold the body of the defendant in custody, as if no bail had been given.

15 And be it further enacted, that when any scire facias, shall be the proper officer be returned to have been made known to the bail, and they in consequence thereof shall appear, they shall be obliged to

plead, and the issue shall be tried the same Term to which the process shall be returned, unless sufficient cause be shown to the court to the contrary; but the bail shall not be admitted to plead, non est factum, unless they first file an affidavit of the truth of their plea. Provided nevertheless, that if any sheriff shall return on any scire facias to him directed, that the principal is imprisoned by virtue of any process, civil or criminal, the Court to which such scire facias is returnable, shall on motion of the plaintiff or bail, order and direct that such principal be retained where he shall be a prisoner, until the plaintiffs Judgment and costs be satisfied, or he, or she otherwise discharged by due course of Law: A copy of which order being served on the keeper of such prison, before such prisoners releasement shall be sufficient authority for him to retain such prisoner, until such order be complied with, and shall be deemed a surrender of the principal and a Discharge of the bail.

16 And for the better understanding what process shall issue when the sheriff shall return that the Defendant is not to be found within his County, Be it enacted, That when the sheriff shall make such return in any civil Action, the plaintiff may at his election, sue out an attachment against the Estate of such Defendant, or an alias or Pluries Capias, until he be arrested, returnable in the same manner as original process; and if the sheriff shall return any goods by him attached, and the Defendant shall fail to appear, and plead within the time herein directed, the plaintiff shall be entitled, if in an Action of Debt, to final Judgment; and if in an action on the case, to an Interlocutory Judgment, and in consequence thereof may execute a Writ of Enquiry the next succeeding Term; and the Goods so attached if not replevied or sold according to the Rules herein after prescribed, for Goods taken on original attachments, shall remain in the custody of the sheriff until final Judgment, and then be disposed of in the same manner as Goods taken in Execution on a Writ of fieri facias; and if the Judgment shall not be satisfied by the Goods attached, the plaintiff may have Execution for the residue.

17 And be it further enacted, That in case any plaintiff shall obtain Judgment final at the first Term to which the process shall be returnable, on an action of Debt; it shall be lawful for him to Execute his Writ of Enquiry, as to the value of any foreign currency, or money for which the suit may be brought,

at the same Term in which such Judgment shall be entered or obtained.

18 And be it further enacted, That upon any Complaint being made, on oath, to any of the Judges of the said Courts, or to any Justice of any of the Courts of Common pleas, by any person or persons, his, her or their Attorney, agent, or factor, that any person hath removed, or is removing him or herself out of the County privately, or so absconds or conceals him or herself, that the Ordinary process of Law cannot be served on such Debtor; and if such plaintiff, his, her or their Attorney, Agent or Factor further swears to the amount of his, her, or their Debt, or demand to the best of his her or their knowledge and belief, it shall be lawful for the Justice, and he is hereby empowered and required to grant an attachment against the Estate of such Debtor, wherever the same may be found, or in the hands of any person or persons indebted to, or having any of the Effects of the Defendant, or so much thereof as shall be of value sufficient to satisfy the debt or Demand and Costs of such complaint; which Attachment shall be returned to the Court where the suit shall be cognizable, and shall be Deemed the leading process in such Action and the same proceedings shall be had thereon as on Judicial Attachments. Provided always, That such Justice before granting such attachment, shall take bond and security of the party for whom the same shall be issued, his, her or their Attorney, Agent or Factor, payable to the Defendant in double the sum for which the complaint shall be made, Conditioned for satisfying all costs which shall be awarded to such Defendant, in case the plaintiff shall be cast in the suit, and also all Damages which shall be recovered against the plaintiff in any suit or suits, which may be brought against him for wrongfully suing out such Attachment: Which bond, together with the affidavit of the party complaining, subscribed with his proper name, shall be returned by the Justice taking the same to the Court to which the attachment is returnable; and every attachment with out Bond and affidavit taken, and returned as aforesaid, shall be abated on the plea of the Defendant

19 And for the Ease and convenience of Creditors and Others, who may be Injured as aforesaid, and to remove Doubts with respect to the authority of the Justices of the Courts of Common pleas in issuing Attachments; Be it enacted That it shall and may be lawful for any Justice of the Courts of Common pleas, upon complaint made to him by any person or persons as aforesaid,

to issue Attachments under the rules and regulations before mentioned, and make the same returnable to any of the said Courts where the same is cognizable; any Law, usage, or custom to the contrary notwithstanding.

20 And be it further enacted, That when any person who shall not be an Inhabitant of this Territory, so that he cannot personally be served with process, shall be Indebted to any person a resident of this Territory, and hath any Estate within the same; any of the said Justices may grant an Attachment against the Estate of such Foreign person, under the rules, restrictions, and regulations before mentioned, and the same proceedings may be had thereon.

21 And be it further enacted, That when any Goods, or other Estate, shall be attached by virtue of any Attachment, whether Judicial or Original, it shall and may be lawful for the Defendant or Defendants, his, her, or their Attorney, Agent, or Factor, to replevy the same, by giving bond with sufficient security to the sheriff or other officer, serving such Attachment; which said Bond the sheriff or other office, is **horeby** empowered and required to take, to appear at the Court to which such Attachment is returnable, and to abide by, perform, and satisfy the order or Judgment of such Court; and when the Estate attached shall by two Justices of the Court of Common pleas, to be summoned by the sheriff for that purpose, be certified on oath to be perishable, and the person or persons to whom it belongs, his, her, or their Attorney, Agent, or Factor, shall not within sixty days after the serving of such Attachment replevy the same; then such Estate shall be sold at public vendue by the sheriff, or other officer, he having first advertised such sale at the Court house and other public places in his County, at least ten days before the sale; and the money arising by such sale shall be liable to the Judgment obtained upon such Attachment, and deposited in the hands of the Clerk of the Court to which the process shall be returnable, there to await the event of such Judgment; and where the sheriff or other officer shall serve an attachment in the hands of any person or persons supposed to be indebted to, or supposed to have any of the Effects of the party absconding or residing out of this Territory, he shall at the same time summon such person or persons as a Garnishee or Garnishees, in writing, to appear at the Court to which the Attachment shall be returnable, within the first four days of such Term thereof, there to answer upon Oath, what he, or she is Indebted to the Defendant, and what Effects of the Defendant he or she hath

in his or her hands, and had at the time of serving such Attachment, and what effects, or debts of the Defendant there are in the hands of any other, and what person, to his or her knowledge and belief; and where any Attachment shall be served in the hands of any Garnishee, in manner aforesaid, it shall be lawful upon his or her appearance and Examination, to enter up Judgment and award Execution against any such Garnishee, for all sums of money due to the Defendant, from him or her, and for all Effects and Estate of any Kind belonging to the Defendant, in his or her possession or Custody, for the use of the plaintiff, or so much thereof as shall be sufficient to satisfy the Debt and Costs, and all charges incident on levying the same; and all Goods and Effects whatsoever in the hands of any Garnishee or Garnishees belonging to any Defendant, shall be liable to satisfy the plaintiffs Judgment, and shall be delivered to the sheriff, or other officer serving the Attachment: And where any Garnishee shall be returned by the sheriff, or other officer summoned in manner aforesaid, and shall fail to appear and discover on Oath, as by this Act is directed, it shall be Lawful for the Court, after solemnly calling the Garnishee, and such Court is hereby authorised and required, to enter a conditional Judgment against the Garnishee, and upon such Judgment so entered, a scire facias shall issue against such Garnishee, returnable the next Term, to shew cause, if any he hath, why final Judgment should not be entered against him; and upon such scire facias being duly executed and returned, if such Garnishee shall fail to appear at the next Term, and discover on oath, in manner aforesaid, the Court shall confirm such Judgment, and award Execution for the plaintiff's whole Judgment and costs; and if upon the examination of any Garnishee, it shall appear to the Court, that there is any of the Defendants Estate in the hands of any person or persons who have not been summoned, such Court shall, upon motion of the Plaintiff, grant a Judicial attachment, to be levied in the hands of such person or persons, having any of the Estate of the Defendant in his, her or their custody or possession, who shall appear and answer, and be liable as other Garnishees.

22 And be it enacted, That it shall be lawful for any person against whose Estate any Attachment hath issued as aforesaid, his, her or their Attorney, Agent, or Factor, at any time before final Judgment entered, or Writ of Enquiry executed, upon giving special bail, to replevy the Estate so attached, and plead to issue so that the plaintiff is not thereby

delayed of his Trial. Provided always, That no judicial process shall be issued against the Estate of any person residing without the limits of this Territory, unless such process is grounded on an Original Attachment, or unless the leading process in the suit has been executed on the person of the Defendant when within the Territory.

23 And, to prevent Errors in issuing Attachments, and taking bonds thereupon, Be it enacted, That the Attachment shall be in the following form, that is to say,

Mississippi Territory
To the Sheriff of the County of
Greeting.

Whereas A. B. (or A. B. Attorney, Agent or Factor, as the case may be of C. D.) hath complained on Oath to Esquire, Justice, or Judge of the Supreme Court of Law, or of the Court of Common pleas of that E. F. is justly indebted to him (or to the said A. B.) to the amount of and oath having been also made that the said E. F. hath removed, or is about to remove himself out of your County, or so absconds or conceals himself that the ordinary process of law cannot be served on him, (or is an Inhabitant of another Government, if the case be so) and the said having given Bond and security, according to the act in such case made, adopted, and provided: We therefore command you, that you attach the Estate of the said E. F. if to be found in your County, or so much thereof, replevyable on security, as shall be of value sufficient to satisfy the said Debt and Costs according to the complaint: And such Estate, so attached, in your hands to secure, or so to provide that the same may be liable to further proceedings thereupon, to be had at the Court to be held for of at on the day of next, so as to compel the said E. F. to appear and answer the above Complaint of the said when and where you shall make known to the said Court how you shall have Executed this Writ.

Witness Esquire Justice of the said Court at the day of in the year of the American Independence. - Which Attachment shall be signed and sealed by the Justice granting the same. - And the Bond to be given on obtaining such Attachment, shall be in the following form, to wit,

Know all men by these presents, that we all of the County of are held and firmly bound unto

in the sum of to be paid to the said his certain Attorney, Executors, Administrators, or assigns. For which payment well and truly to be made, we bind ourselves, and each of us, our, and each of our heirs, Executors and Administrators jointly and severally, firmly by these presents, sealed with our Seals and Dated the day of in the year of our Lord one thousand eight hundred and

The condition of the above obligation is such that whereas the above bounden hath the day of the date hereof, prayed an Attachment at the suit of against the Estate of the above named for the sum of and hath obtained the same, returnable to the court to be held at on the day of next: now if the said shall prosecute his said suit with Effect, or in case he fail therein, shall well and truly pay and satisfy to the said all such costs and damages as shall be awarded and recovered against the said his heirs, Executors or Administrators, in any suit or suits which may be hereafter brought for wrongfully suing out the said Attachment: then the above obligation to be void, otherwise to be and remain in full force and Effect. Provided nevertheless, That no Attachment shall be abated for want of form, if the essential matters expressed in the foregoing precedent be set forth in the Attachment.

24 And be it further enacted, That in all suits commenced, or prosecuted by Attachment against the Estate of persons residing out of the Territory; the Court to which the same shall be brought, shall stay all proceedings in such suits for so long a time as they may think necessary, not exceeding one year from the time of the return of such process, and where it can be conveniently done, notice shall issue from the Court to the Defendant; and if the Defendant appear, put in bail, and plead within the time limited for his appearance, in such case his Estate shall be liberated, and the Garnishee discharged; and it shall be lawful for the Jury to give in damages legal Interest upon the plaintiffs recovery during the time of such extraordinary continuances, even in cases where Interest is not usually allowed in Courts.

25 And be it further enacted, That all the statutes of England and Great Britian for amendment of the Law, comonly called the Statutes of Jeofails, which are received and enforced in the state of North Carolina, as the Laws of the said state, be, and the same are hereby

Adopted and declared to be in force in this Territory.

26 And be it further enacted, That for taking the Testimony of witnesses in all causes which may be depending in the Supreme, and Courts of Common pleas, the following Rules are to be observed and put in practice, To wit - In all suits where witnesses are to appear at any of the said Courts, the Clerk at the request of the party, shall issue a subpoena directed to the sheriff, or other officer, of the County where such witness or witnesses are said to reside, mentioning the time and place for his, her or their appearance the names of the parties to the suit wherein the Testimony is to be given, and the party at whose instance such witness or witnesses is, or are summoned. Every subpoena made returnable immediately, shall be issued only in Term Time, and shall be personally served on the witness or witnesses therein named. - A copy of every subpoena issued by the Clerks in the vacation, in case the witness or witnesses therein named is, or are not to be found, may be left at their usual places of residence; and such copy, certified by the sheriff or other officer, left as aforesaid, shall be deemed a legal summons, and the person or persons therein named, shall be bound to appear in the same manner as if personally summoned.

27 And be it further enacted, That every witness being summoned to appear at any of the said courts, in manner as herein before directed, shall appear accordingly, and continue to attend from Term to Term until discharged by the Court, or the party at whose instance such witness shall be summoned; and in default thereof, shall forfeit and pay to the party at whose instance the subpoena issued, the sum of one hundred Dollars, and shall be further liable to the action of such party for the full damages which may be sustained for want of such witnesses Testimony, who shall recover the same by scire facias with costs. Provided always, That if it shall so happen that the suit depending, shall in the vacation be accommodated and settled between the parties, and the party at whose instance such witness was summoned shall neglect or omit to discharge him, or her from further attendance, and he, or she, for want of such discharge, should attend at the next Term, then, and in that case, the witness, upon Oath made of the facts, shall be entitled to a Ticket from the Clerk in the same manner as other Witnesses, and shall recover from the party at whose instance he was summoned, the same allowance which by this Act is given to witnesses for their attendance

at the said Court with costs. Provided also, that if any witness shall hereafter swear falsely, in order to obtain a Ticket, he shall upon conviction be adjudged guilty of perjury, and suffer as in cases of corrupt and wilful perjury. And provided further, That if sufficient cause be shewn by the person so summoned and failing to appear, of his, or her incapacity to attend at the time and place mentioned in the subpoena, then no forfeiture or penalty shall be incurred by such failure; but if upon notice given by the Court, sufficient cause be not shewn at the next succeeding Term after such failure, it shall, and may be lawful for such Court, on motion, to grant Judgment, and award Execution for the forfeiture before mentioned, against the person so summoned and failing to appear as aforesaid.

28 And be it further enacted, That when any person who may be a witness in any cause in any of the said Courts, shall reside out of this Territory, or shall by reason of age, or bodily infirmity, or any other cause, be incapable of attending to give his Testimony in court, oath thereof being made, or the truth of the matter otherwise appearing, the Judge or Judges of the Court wherein such suit is depending, shall and may by commission empower such, and so many persons as may be thought necessary, to take, and receive the Deposition of such Witness, which being duly taken and returned as hereinafter directed, shall be received as legal Testimony. Provided always, That the party praying such commission, shall give such notice to the adverse party of the Time and place, when and where such commission is to be Executed, as the Court shall think proper; and the adverse party shall have power to cross-examine any witness whose deposition shall be so taken; and all depositions otherwise taken than as in this act is directed, unless by the consent of parties, shall be void to all Intents and purposes.

29 And be it further enacted, That if any person who may be a witness in any cause depending in any of the said Courts, shall be under a necessity of leaving this Territory, before such cause is to be tried, or even before such Cause shall be at Issue, upon oath thereof being made before any of the Justices of the said Courts, such Justices is hereby empowered to order the Clerk of the Court, where such cause is depending, to Issue a Commission to one or more persons to take the deposition of such witness, notice being first given to the adverse party of the time and place when, and where such deposition is to be taken, at

least ten days previous to the time of executing such Commission; which deposition when returned, taken in manner aforesaid, shall be received as legal Evidence. Provided, The people called Quakers shall have liberty of giving their Testimony by way of solemn affirmation, in all causes whatsoever, criminal as well as civil. And provided also, That in any cause depending as aforesaid, either party wishing to improve the Testimony of witnesses absent from the Territory, may take the same by interrogatories, the party making Oath before any one of the Justices of the said Courts, of the absence of such Witness, and that he believes his Testimony material, such Justice may order the Clerk of the Court in which the Cause is depending, to Issue a Commission as aforesaid, directing the Commissioners to call the witness or witnesses before them at a time and place by them appointed; but the party applying for such dedimus shall file his interrogatories in the office, and serve the opposite party with a Copy thereof with notice of the day on which such dedimus will issue, at least Ten days before the same shall Issue, in which Time the opposite party may file his cross-interrogatories. And the interrogatories and cross-interrogatories (if any there be) shall accompany such dedimus: And is any deposition taken by interrogatories shall contain any Testimony but the answers to such interrogatories such surplusage shall not be read in evidence; and all depositions shall be considered as taken de bene esse.

30 And be it further enacted, That every witness being summoned to appear in any of the said Courts on a Criminal prosecution, or plea of the Territory, shall appear accordingly, and continue to attend from day to day until discharged by the Court, the Attorney for the Territory, or the party at whose instance he shall be summoned; and in default thereof shall forfeit and pay the sum of one hundred Dollars, for the use of the Territory, unless upon notice issued and made known, sufficient Cause be shown for such failure at the next succeeding Term.

31 And be it further enacted, That during the attendance of any person summoned to attend as a witness in any court whatsoever, and during the time that such person is going to, and returning from the place of such attendance, allowing one day for every twenty five Miles, such witness has to travel to, and returning from his place of residence, no sheriff or other officer shall serve or execute on any person so attending, going to, or returning from such Court, any Writ or process, warrant, order, Judgment, or

decree, in any cause (summons for witnesses excepted) and if any such shall be executed, the same shall be, and is hereby declared null and void.

32 And be it further enacted, That for every mile any witness shall travel, either going to, or comming from the Court to which such witness shall be summoned to appear, there shall be paid to him, by the party at whose instance the subpoena shall have issued four cents per mile, together with the necessary ferriages, and one dollar per day for every day he shall attend, until he shall have given Testimony, or shall be discharged. Provided, that in any bill of costs there shall not be allowed the charge of more than two witnesses to any particular matter of fact.

33 And be it further enacted, That the clerks of the said Courts, are hereby empowered and directed to take probate of all Evidence Tickets, upon oath, and Certify the same.

34 And be it further enacted, That the supreme Court of this Territory, or any one of the Judges thereof, during the vacation of the same, shall have power and authority to grant writs of Error, for correcting the Errors of any Inferior Court; and the party praying such Writ, before the same shall issue, shall assign Error, and give bond and security to the satisfaction of the Court, or Judge, to abide by, perform, and fulfil the Judgment which shall be given thereon by such Court; and if upon argument of any Writ of Error, or Trial of any Appeal from an Inferior Court, the Judgment or decree of the Inferior Court shall be reversed, the supreme Court shall grant Judgment, or make such decree thereupon, as should have been made up, or entered in such Inferior Court; and shall and may issue Execution thereupon, with out granting a Writ of Procedendo; and to prevent the obtaining of Writs of Error by surprise, the party praying such Writ in a Civil Cause, shall give notice in writing to the adverse party, at least Ten days before motion, of his intention to move for such Writ, and no such writ shall be granted without Affidavit of such notice.

35 And be it further enacted, That every Justice of the Inferior Courts shall have power, and they are hereby authorised and required, upon any complaint being made by any person or persons, for any debt or Damage, matter of thing, cognizable in the Courts of Common pleas and Quarter sessions of this Territory, to grant an original attachment against the Estate of any person absconding or concealing himself, or removing

out of the County privately, returnable to the Court of such county, observing therein the rules and restrictions directed for granting original Attachments in the supreme Courts; and all sheriffs and coroners, shall execute and return the same, and observe the Rules and directions appointed to be observed in executing Attachments returnable to the Supreme Courts, and the like Judgment, Recovery, Remedy, Relief, and proceedings shall be had thereupon, as in the like cases are grantable in the said supreme Courts.

36 And be it further enacted, That where any Judgment, sentence, or decree shall be had, or obtained in any Court of Common pleas or Quarter Sessions, for any debt, Damages, fine or Amerciament, and the person against whom such Judgment, sentence or decree shall be had or obtained, shall remove him or herself and Effects, or shall reside out of the limits of the Jurisdiction of such Court; it shall be lawful for the Clerk of the Court where such Judgment shall be given or decree made, at the request of the party in whose favour such Judgment, sentence or decree shall be had or obtained, to issue Execution to any county of this Territory, where the Defendant or his goods may be found: and the sheriff or other officer to whom the same may be Directed, is hereby empowered and required, to execute the same, and make return thereof, in the same manner as is directed for the returns of process Issuing from the supreme Courts.

37 And be it further enacted, That the same rules, Method, and proceedings shall be had, kept and observed, by the said courts of common pleas, and Quarter sessions, and the officers thereof, in granting, Issuing, Executing, and returning process, and awarding Judgment or Judicial Attachments, and the like remedy, Recovery, and Relief, against the sheriffs and Bail, as in like cases are provided by law in suits depending, or to be commenced in the ~~in the~~ Supreme Courts of Law.

38 And be it further enacted, That if any sheriff or other officer hath made, or shall make any return upon any writ of Fiere facias, or Venditioni Exponas, that he hath levied the Debt, Damages and Costs, or fees, as in such Writs required, or any part thereof, and hath not, or shall not pay the same into the proper office, or to the party to whom the same is payable, or his Attorney, at the return of such Writ, or hath or shall return upon any writ of Capias ad satisfaciendum, that he hath taken the body or bodies of

any Defendant or Defendants, and hath the same ready to satisfy the Money or other matter in such Writ mentioned, and shall actually have received the Money or other Matter, from the Defendant or Defendants, or any part thereof, or suffered him, her or them, to Escape with consent of such Sheriff or officer, and hath not or shall not pay the same into the proper office, or to the party to whom the same is payable, or his Attorney; that then and in either of the said Cases, it shall and may be lawful for the Creditor, at whose suit of Fieri Facias, Venditioni Exponas, or Capias ad satisfaciendum, hath or shall issue, upon motion made in the Court from whence such Writ issued, or in the Supreme Court, to demand Judgment against such sheriff or other officer, for the Money or other Matter mentioned in such Writ; and such Court is hereby authorised and required, to give Judgment accordingly for the same, with Costs, and to award Execution against the Goods and Chattels, Lands and Tenements of such sheriff, provided such sheriff have five days previous notice of such Motion; and where it shall so happen that the Time of any person's Sheriffalty shall be expired, or he shall be removed from office before such motion made by the Creditor or Creditors, the same Remedy, proceedings and Relief, shall and may be had against him, as if such person was actually in office; any thing herein to the Contrary notwithstanding.

39 And for prevention of vexation by dilatory pleas, It is hereby enacted, That no plea in abatement shall be received in any Action or Suit in any Court in this Territory, unless the truth thereof be sufficiently shewn by affidavit or otherwise; and in all actions where the Declaration shall plainly set forth sufficient matter of substance for the Court to proceed upon the merits of the Cause, the suit shall not abate for want of Form in the proceedings; and when any plea shall be pleaded in any Action, and upon argument thereof, the same shall be adjudged insufficient to abate such Action, the plaintiff shall recover against the Defendant, full costs to the time of over ruling such plea, including the Costs of Court.

40 And for granting appeals from the Courts of Common pleas, and Quarter sessions to the supreme courts, Be it enacted, That when any person or persons, either plaintiff or Defendant, shall be dissatisfied with the sentence, Judgment or Decree, of any of the Inferior Courts, he may pray an appeal from such sentence, Judgment, or Decree to the supreme Court; but before obtaining the same, shall enter into Bond, with two

sufficient securities, for prosecuting the same with Effect, and for performing the Judgment, sentence and Decree, which the supreme Court shall pass, or make thereon, in case such appellant shall have the cause decided against him.

41 And for the prosecuting appeals, Be it enacted, That when any Person shall have appealed to a supreme Court, in manner above Directed; a Transcript of the record of the suit on which the Appeal shall be made, shall be delivered to the Clerk of the Supreme Court, at least fifteen days before the sitting of the Term, and shall by him be filed the same day on which he receives the same; and if the Trial of the Inferior Court was of an Issue to the Country, a Trial de novo, shall be had; And if such Transcript of the record is not filed within the Time aforesaid, or if the appellant shall fail to appear, or to prosecute his appeal, then the Judgment, sentence, or Decree of the Inferior Court shall be affirmed, and the appellant shall pay Double Costs in the Supreme Court.

42 And for the prosecuting Writs of Error, Be it enacted, That the following method of practice shall be observed, That is to say, A Transcript of the records and proceedings in the Inferior Court, in the suit in which any Writ of Error shall be Granted, or allowed, shall be Transmitted and delivered to the Clerk of the supreme Court, at least fifteen days before the sitting of the Term; and in case the plaintiff in Error shall neglect to file such Writ, and assign Error as aforesaid, or shall fail to appear or to prosecute the same, then the Judgment of the Inferior Court shall be affirmed, and he shall be adjudged to pay double Costs in the Supreme Court. Provided always, That if it shall so happen that there shall not be Thirty days between the last day of the Term or Hearing in the Inferior Court, and the next Term of the Supreme Court to which such appeal shall be made, or Writ of Error allowed; then such Appeal or Writ of Error shall be continued, and a Transcript of the Records and proceedings, shall be Transmitted and filed in like manner in the Clerks office of the Supreme Court, the Term succeeding that, which shall Immediately follow such Inferior Court Term, in which such Trial and hearing shall be had as aforesaid.

43 And be it further enacted, That in every Court of Common pleas and Quarter sessions within this Territory, when any appeal shall be granted, or Writ of Error allowed, the Clerk of such Court, shall

immediately make up a full and perfect record of all the proceedings in such Cause, and shall within Ten days after final adjournment of the Term in which the Cause shall be heard, give an attested Copy of such record with a Taxation of all costs accrued, to the appellant, or plaintiff in Error, if required; and shall endorse on such Copy the day or days on which the same may have been demanded, and the day on which it shall be delivered, and sign his name as clerk thereto; and if by reason of the delay of any Clerk, any Transcript shall not be filed in time, or that the record is so Erroneously, or incorrectly made up, that the supreme Court, cannot proceed thereon, such clerk in any of the said cases, shall upon Trial, be adjurged guilty of Misbehaviour in office, and shall forfeit and pay to the person entitled to such attested Copy, the sum of two hundred Dollars, to be recovered by action of Debt in any court having Cognizance thereof; and shall be further liable to an action on the Case for all Damages which such person may sustain for want of such Copy. Provided always, That if the Judge of Judges of the supreme Court, should be of opinion that there appears to be sufficient matter of substance in the Transcript of the Record and proceedings on any appeal or Writ of Error, to enable them to proceed thereon, the same shall not be dismissed for want of Form, any thing herein contained to the contrary notwithstanding.

44 And be it further enacted, That the Clerk of the supreme Court, upon receiving a Transcript of the Record and Proceedings in any suit, on which an appeal shall be made, or Writ of Error allowed, shall give a receipt to the person delivering the same, and shall immediately endorse thereon the day on which it shall be delivered; and if he receives it fifteen days before the sitting of the Term of the then next supreme Court, he shall enter it upon the Docket of Causes for Trial, and deliver to the parties such summonses for their witnesses, as they may require; but if such Transcript shall be delivered to the clerk of the supreme Court within fifteen fifteen days before the sitting of such Term as aforesaid, then the clerk shall enter the cause on the reference Docket of such court; and if the Clerk of any supreme Court shall refuse, neglect or omit, to do any of the Duties which he is hereby required to perform, such Clerk shall, upon Trial and conviction be deemed guilty of Misbehaviour in office, and shall forfeit and pay to the appellant, or plaintiff in Error two hundred Dollars, to be recovered by action of Debt, in any Court having Cognizance thereof; and be further liable to an action on

the Case for all Damages which such appellant, or plaintiff in Error may sustain, by reason of such refusal, neglect or omission.

45 And be it further enacted, That in all actions whatsoever the party in whose favour Judgment shall be given, or in case of Non suit, Dismission or discontinuance, the Defendant shall be entitled to full Costs, unless where it is or may be otherwise directed by law.

46 And whereas, the great distance of the Inhabitants of Washington County from the place of holding the supreme Courts, will render it inconvenient and expensive to them to prosecute appeals, and yet to the small number of people resident in said County, the expence of erecting a Goal sufficient for securing Criminals in all cases and providing other necessary accommodations for the holding of a supreme Court in said County, would be still more burthensome ~~to them;~~ Therefore in order to remedy the same as far as possible, Be it enacted, that all prisoners charged with crimes exclusively Cognizable in the supreme Court, shall be brought to the Goal at Natchez for safe custody, and shall be tried in the supreme Court by the Jurors attending thereat, and shall be entitled to process to compel the attendance of Witness in their behalf from any part of the Territory. And in all civil causes brought up by appeal from the court of common pleas of the said County, it shall be lawful for both parties to take the depositions of such Witnesses as they may think necessary in writing, which depositions shall be taken in the usual manner, on giving due notice to the adverse party, and shall be admitted to be read in evidence at the Trial of such appeal in the supreme Court. And for the purpose of obtaining such Depositions the party having witnesses to examine, shall be entitled as of course to a Dedimus Potestatem to be issued by the prothonotary of Washington County, directed to any Justice of the Peace empowering him to cause such witnesses to appear before him at such time as the party shall appoint, and to examine them on oath touching the matter in question; and such Justice after taking such Testimony in writing, shall cause the witness or witnesses to sign the same, and shall certify and return the same, under his hand and seal, together with the dedimus potestatem to the supreme Court. Provided, that either party may, if he thinks proper, at his own expence, enforce by proper process the personal attendance of his witnesses from said County. And provided also, that this right of taking depositions

shall not be extended to any but Witnesses resident in Washington County, or beyond the limits of the Territory.

47 And be it further enacted, that each person who shall attend as a Witness, at the supreme Court, or at any of the Courts of Common Pleas of this Territory, shall be allowed four cents per mile for every mile he shall travel, going to, and returning from the said courts, and the sum of one dollar for every days attendance at the said Courts, to be paid by the party cast, and inserted by the Clerk in the Taxation of Costs. Provided that the party cast shall not be obliged to pay for more than two witnesses to prove any single fact: And the attendance of the witnesses as to the number of Days, shall be ascertained by the oath of the Witnesses to be made at the Court at which the Cause is determined, or within five days after, before the Clerk of the said Court.

48 And be it further enacted, That it shall be lawful for the Clerks of the several Courts within this Territory, on the fees not being paid by the party from whom they are due, to make out an Execution directed to the Sheriff of the County where the party resides, and the said Sheriff shall levy the same as in other Cases, and to the said Execution shall be annexed a Copy of the bill of Costs of the fees on which such execution shall Issue, written in words at length without any abreviation whatever. And all Executions issued without such bill of Costs, shall be deemed illegal, and no sheriff shall serve or Execute the same.

49 And whenever it shall be the opinion of the Court, that a party praying a continuance of a Cause, shall not obtain it without paying Costs, attending the same, they may order costs to be paid by such party before such continuance be granted, and the party paying such costs, shall not recover them although the Judgment of the Court shall be finally in his favour.

50 And whereas, great injustice is done to witnesses appearing in behalf of the Territory, by there being no allowance for their attendance at the supreme Court, and Court of Quarter sessions, Be it enacted, That from, and after, the passing of this Law, such witnesses shall be allowed the same compensation for their daily attendance, as is allowed to witnesses attending upon civil prosecutions, and such fees for attendance together with all costs of the prosecution shall be paid by the Defendant upon Conviction; and if

the Territory shall fail upon the prosecution of any offence of an Inferior nature, the Court may, at their discretion, order the Costs to be paid by the prosecutor, in case such prosecution shall appear to have been frivolous or Malicious: And in case the Defendant shall not be able to pay costs, or the Court shall not think fit to order the prosecutor to pay the same, that then, and in that case the Clerk of the Court wherein the matter may have been pending, shall grant a certificate of attendance to the witnesses for the Territory, in manner as Tickets are granted to Jurors, and such Tickets may be received by the sheriffs in payment of public dues.

51 And be it further enacted, That the Defendant in any cause or suit depending in any Court in this Territory, may plead as many several matters as he shall judge necessary to his Defence, so that he be not admitted to plead and Demur to the Whole, and no Instrument of writing which contains sufficient substance shall be lost for want of form.

52 And be it further enacted, That all and every act, and acts, Law, and Laws, heretofore made and provided, so far as they come within the purview and meaning of this Law, and are repugnant thereto, shall be and are hereby made void.

53 And be it further enacted, That it shall be the duty of the sheriff of the County of Adams, to summon two Constables, taking them in rotation, so that each may do an equal share of service as near as may be, to attend at each Term of the supreme Courts in this Territory; whose Duty it shall be to attend accordingly, during the Term, unless sooner discharged by the Court, under the penalty of being fined at the descretion of the Court, not exceeding fifty Dollars for each and every neglect.

54 And be it further enacted, That so much of the Law fixing the place where the supreme Courts for the Territory shall be held, and the number of sessions, and the time of holding them as directs a supreme Court of Appeals to be held on the second monday in January in every year in the County of Adams, shall be and is hereby repealed and made void, and all Causes matters and things, that are or might be Cognizable therein shall be transfered to and be Cognizable in the Supreme Court, as herein established, at the ordinary Terms thereof.

The foregoing is hereby Declared to be a Law of the Mississippi Territory, this thirtieth day of October Anno Domini one thousand eight hundred. In Testimony of which we have undersigned out names and caused the public seal to be thereunto affixed.

Winthrop Sargent

Soth Lewis

P Bryan Bruin

Mississippi Territory

(Seal)

A Law to Render Promissory Notes
and Cotton Receipts negotiable,
and for other Purposes

Be it enacted, that all notes signed by any Person or Persons, body politic or corporate, or by the servant or agent of any corporation, Banker, Merchant or Trader, who is, or shall be usually intrusted to sign such Promissory Notes for them, whereby such Person or Persons, Body Politic or corporate, or the Servant or agent of any corporation, Banker, Merchant or Trader, shall Promise to Pay any Person or Persons, Body Politic or corporate, or the Servant or agent of any corporation, Banker, Merchant, or Trader, or order, or Bearer; the money mentioned in such Note, shall be construed to be, by virtue thereof, due and Payable to such Person or Persons, Body Politic or corporate, or the servant or agent of any Corporation, Banker, Merchant, or Trader, to whom the same is made Payable; and also, such note Payable to such Person or Persons, Body Politic or corporate, or the Servant or agent of any Corporation, Banker, Merchant or Trader, or order, or Bearer; may be assignable over in like manner, as Inland Bills of Exchange are by Custom of Merchants in England; and the Person or Persons, Body Politic or corporate, or the Servant or agent of any Corporation, Banker, Merchant or Trader, to whom such money is or shall be Payable, may maintain an action for the Same, as they might upon such Bill of exchange; and the Person or Persons, Body Politic or corporate, or the Servant or agent of any Corporation, Banker, Merchant, or Trader, to whom such note so Payable to order or bearer, is assigned or indorsed, may maintain an action against the Person or Persons, Body Politic or corporate, or the Servant or agent of any Corporation, Banker, Merchant or Trader, who signed, or shall sign such Note, or any who shall, or have indorsed the same, as in cases of Inland Bills of Exchange; and Recover damages, and Costs of Suit; and in case of non-Suit or a verdict shall Pass against the Plaintiff, the Defendant shall Recover Cost.

And be it further enacted, that all such Receipts as are or shall be signed by the owner or owners of Cotton Gins, or by the Servant or agent of any owner

or owners of Cotton Gins, who is, or shall be usually intrusted to sign such Receipts, Commonly Called Cotton Receipts, whereby such owner or owners of Cotton Gins, his, her, or their Servant or agent, shall acknowledge to have Received any Quantity of Cotton, the quantity of Cotton mentioned in such Receipt, shall be construed to be by virtue thereof, due, and Payable to such Person or Persons of Whom the same is acknowledged to have been Received. And such cotton Receipts, whereby any Quantity of Cotton is acknowledged to have been Received, of such Person or Persons, may be assignable over in like manner as Promissory Notes are by the foregoing section of this Law - And the Person or Persons to Whom such Cotton Receipt, whereby any quantity of Cotton is acknowledged to have been Received as aforesaid, is assigned or indorsed, may maintain an action against the owner or owners of any Cotton Gin, his, her or their Servant or agent, who signed or shall sign such Cotton Receipt, or any who shall or have indorsed the same as in Cases of Promissory Notes aforesaid, and Recover damages and Costs of Suit.

And be it further enacted, That when any Person or Persons shall, by order in writing, signed by his or their Proper hand, direct the Payment of any sum or sums of money, in the Hands or Possession of any other Person or Persons, to the Bearer, or any Person or Persons whatsoever, the money therein specified shall, by virtue thereof, be due and Payable to such Person or Persons to whom the same is drawn Payable, and may be put in suit against the Person or Persons who shall draw the same, or against the Person or Persons on whom the same shall be drawn, (after acceptance thereof) by him or them to whom the same shall be made Payable, and Recover Damages

Provided nevertheless, that no person or persons whatsoever, shall prosecute any Suit against any Person or Persons, who shall give such order for the money therein mentioned, before the same shall have been Presented for Acceptance, and Notice given of the non-acceptance thereof, to the drawer; or before the same shall have first been Protested for non-acceptance, and Notice given thereof to the drawer before such Suit shall be brought; and if any Suit shall be brought on any such order, before notice and refusal to pay as aforesaid, the Plaintiff or Plaintiffs shall be non-suit, and pay costs

And be it further enacted, That where there are two or more Defendants, who reside in different Counties, it shall and may be lawful for the Plaintiff

in any suit in any Court of Record in this Territory to Issue writs directed to the sheriff or coroner of each of the Counties where the Defendants are most likely to be found, Noting on each Process that they are Issued in the same suit; and when the same are returned, shall be docketed in the same manner as if only one had Issued. And in case any defendant or defendants should not be served with such Process, the same Proceedings shall be had as in cases of other similar Process which has not been executed. And whereas it is a Rule of Common Law that in Cases of the death of a joint Obligor, the debt can never survive against his heirs, Executors, or Administrators, which rule frequently is injurious and oppresive to the surviving Obligor or Obligors; to remedy which

Be it enacted, That from and after the Passing of this Act, in case of death of one or more joint Obligor or Obligors, the joint debt or contract shall and may survive against the heirs, Executors, and administrators of the Deceased Obligor or Obligors, as well as against the survivor or survivors; and when all the Obligors shall die, the debt or Contract shall survive against the Heirs, Executors and administrators of all the said Joint Obligors.

And be it further enacted, that every Joint Bond, Covenant, Bill or Promissory Note, shall be deemed and Construed, to have the same effect in Law, as a joint and several Bond, Covenant, Bill or Promissory note; and it shall be Lawful to sue out Process, and Proceed to Judgment against any one of the Obligors, Covenantors or drawers of such bond, Covenant, Bill or Promissory Note; in the same manner as if the same were joint and several, any Law or usage to the Contrary notwithstanding -

And that the Law intitled "a Law to enable an Obligee or Obligees to bring an action on a Joint Obligation, against one or more of the Obligors, when any of them are not Residents of this Territory - and also to make Obligations and Promissory Notes assignable, likewise Receipts for Cotton" be and the same is hereby Repealed.

The foregoing is hereby declared to be a Law of the Mississippi Territory, this thirtieth day of October Anno Domini one thousand Eight Hundred. In testimony of which we have undersigned our names, and Caused the Public Seal to be thereunto affixed -

Winthrop Sargent

Seth Lewis

P Bryan Bruin

Mississippi Territory

(Seal)

A Law to alter and amend the Law respecting crimes and Punishments.

BE IT ENACTED, That from and after the passing of this Law, so much of the said Law as goes to punish persons convicted of TREASON with forfeiture of Estate, shall be and is hereby repealed and made void.

AND BE IT ENACTED, That the Fourth Section of the said Law providing for the punishment of persons Convicted of ARSON, be, and the same is hereby repealed and made void.

AND BE IT FURTHER ENACTED, That if any person or persons shall wilfully and maliciously burn, or cause to be burnt, or shall be wilfully and maliciously aiding and assisting in burning any Dwelling house or other building thereunto adjoining, he, she or they so offending, shall be deemed Guilty of ARSON, and upon conviction thereof, shall suffer Death, without benefit of Clergy.

The foregoing is hereby declared to be a Law of the Mississippi Territory, this thirtieth day of October, Anno Domini one thousand eight hundred. In testimony of which we have undersigned our names, and caused the public seal to be thereunto affixed.

Winthrop Sargent

Seth Lewis

P Bryan Bruin

Mississippi Territory

(Seal)

A Law to direct the mode in which Monies may be drawn from the County Treasurers and for Other Purposes

Be it enacted that all Claims and Demands that are or hereafter may be by Law made Chargeable on any County within this Territory; Shall be by the Claimant Produced to the Justices of the Court of Common Pleas -- of the County against which such claim shall be made while in Session; who shall thereupon Proceed to examine such claim or demand, and on being Satisfied by Proof that the same is justly Chargeable on their County, they shall allow the same, or so much thereof, as to them shall appear to be justly due to the Claimant, and shall thereupon cause a Record thereof to be made. And it shall be the duty of the respective Clerks of the said Court, on the application of the Party to whom such allowance shall have been made, to make out and deliver to him a Certificate, under his hand and the Seal of the Court, therein Specifying the sum due, the name of the Claimant, and the time when the Same was allowed; which Certificate the Treasurer of the County, from which the same is Issued, shall and is hereby authorised to Receive, and Pay the Sum Specified therein to be due to the Claimant. Provided, that the Party making such Claim shall give Five days Previous notice in writing of his intention, and of the nature of his claim to the Attorney General; and no Court shall allow of any such Claim without being first satisfied that such notice has been given: And Provided also, that if in the Opinion of the Attorney General injustice shall be done to the County, in the allowance made of any such claim, it shall be his duty to Pray an appeal to the Supreme Court, which shall be allowed of as of Course, and a transcript of the Proceedings shall thereupon be made out and certified into the next Succeeding Term of the Supreme Court; and the Judges of the Supreme Court, shall thereupon Proceed to allow or disallow of such claim as to them shall appear just; and on allowing thereof the Clerk of the Supreme Court shall issue a Certificate to the Claimant as above directed, which shall have the like effect as Certificates issued by the Clerk of a Court of Common Pleas - And the Clerk of that Court before

whom such Claim shall be allowed, shall Receive for all his services therein, the sum of one hundred & fifty Cents, to be Paid out of the County Treasury; and on an appeal the Clerk of the Supreme Court, shall be allowed the like sum, to be Paid in like manner: and the Attorney General for attending to the Examination of each claim in the Court of Common Pleas - Shall be allowed two Dollars, and on an appeal such further Sum as the Court shall deem just.

And be it further enacted, that the Clerks of the several Courts, and the Sheriffs of the several Counties in this Territory may exhibit their claims to the Proper Court for ex Officio services, in manner herein before directed; and shall thereupon Receive an allowance as may appear Just and Reasonable, to be paid as before directed in this Act. Provided that no Item of such claim shall be allowed, where fees for the same services are chargeable on any Person, by force of the judgment, sentence or decree, of any Judicial Authority in this Territory.

And whereas the allowance made to the Collectors of Taxes for their Services in Collecting is not an adiquate Compensation for their trouble. Be it enacted, that each Collector of Taxes in this Territory, shall be allowed, and may Retain five - Per centum on the gross amount by him Collected, which shall be allowed to him by the Treasurers in Settling his accounts.

And be it further enacted, that it shall be the duty of the Collectors, to finish their Collections, and pay into the hands of the Treasurers, the Sums by them Collected, on or before the first day of January next, and on failure thereof, it shall be the duty of the Treasurers to institute a Suit, or Suits on the bonds given by the said Collectors for Performance of their duties, and to Prosecute the same to Judgment, for the whole Penal Sum in said Bonds. Provided - Nevertheless, that such judgment may be discharged, on the collectors paying into the hands of the Treasurer, the whole amount of the Taxes with which he stands charged: and Provided also, that the Collector shall be allowed for all insolvencies of Persons from whom taxes were originally due, at the discretion of the Justices of the Court of Common Pleas of his County subject to an appeal and Rehearing, before the judges of the supreme Court by either Party.

And be it Further enacted, that hereafter the

Attorney General shall be allowed the following Fees for his services in any Court of Record in this Territory Drawing every Indictment or information in general, for each Defendant - two dollars. Drawing every Indictment, information, Process or Pleadings - Per sheet of seventy two words - thirty three cents. Procuring witnesses to be Subpoenaed and sent before the Grand Jury, against each defendant, one Dollar. Entering every Cesset Processus or nolo Prosequi, for each defendant, one Dollar. Every motion in Court One Dollar. Praying out Process on every Indictment, Presentment or information, one Dollar. Every warrant to acknowledge satisfaction on Record, one Dollar. Fee in Case of demurrer, special verdict, or in error, or Pleas confessed, for each Defendant five Dollars. Fee on Tryal of every Capital Case, where life is concerned, fourteen Dollars. Fee on Tryal of every other matter, by bill of Indictment or information, Eight Dollars.

And where any defendant shall remove any Indictment or information, from any Court of Quarter Sessions, into the Supreme Court; the Attorney General shall have for his services in drawing the Indictment or information, and Prosecuting the Same, twelve Dollars. For Praying out Scire Facias against Bail, and Proceeding thereon to Judgment, Eight Dollars, to be taxed against the Bail with other Costs, in case Judgment be entered against them. On calling out, or continuing every Recognizance for good Behaviour, or to Keep the Peace, One Dollar. And, on the calling out or continuance of every such recognisance, the Person Recognised shall Pay all costs accrued thereon.-

And, on all other Proceedings, the Attorney General shall be entitled to the like fees, as are allowed for like services to Practitioners in the Supreme Court, together with the addition of one half the fees allowed to such Practioners for such services. -

The Fees, taxed against the Defendant or Prosecutor, for services Rendered by the Attorney General, shall be Paid into the Treasury of the Proper County; And the Attorney General may Present his bill of Fees to the Court of Common Pleas, of the Proper County twice in every year for their allowance as herein before directed, and receive a certificate as aforesaid, which shall be received and Paid by the Treasurer - Provided the Attorney General shall in every case, on application as aforesaid, produce to the said Court of Common Pleas, a Bill of fees allowed

and Taxed by the Court, in which the Services may have been Rendered. And that so much of the Law heretofore Passed as allows fees to the Attorney General, be, and the same is hereby Repealed.

The foregoing is hereby declared to be a Law of the Mississippi Territory, this thirtieth day of October, Anno Domini one thousand Eight Hundred, In Testimony of which we have undersigned our names, and Caused the Public Seal to be thereunto affixed.

Winthrop Sargent

Seth Lewis

P Bryan Bruin

Mississippi Territory

(Seal)

A Law providing for the speedy
Trial of Slaves

Be it enacted, That upon any complaint being made to, or any information received, by any Justice of the Peace, of any offence being committed by any slave or slaves within the County where such Justice is empowered to act; such Justice shall cause such Slave to be committed to prison, or otherwise secured, and shall without delay by warrant under his hand and seal, give notice of such committment to two, or more of the nearest Justices of the peace, one of whom to be of the quorum, not being interested in the matter, to associate with him; and by the same warrant shall order a Jury of not less than five respectable Freeholders of his County to be summoned as a Jury, to meet together with the said Justices at any convenient time and place, not less than three, nor more than ten days after the committment of such slave or slaves; and the Justices and Jury so assembled, shall cause the slave or slaves accused or charged, to be brought before them, and shall hear the allegations against such slave or slaves, and shall have power to examine witnesses on oath, and hear Testimony, and finally to hear and Determine the matter brought before them in the most summary manner, and on conviction, shall, and may give Judgment and thereupon award execution, as to them shall appear Just and Right. Provided, such Judgment shall not extend to the taking away Life or Limb. And Provided also, That if the owner of such slave or slaves shall conceive that Injustice will be done him by such Judgment being executed, he shall have a right to appeal to the Judges of the supreme Court, any one of Whom, with the assistance of a Jury of seven respectable Freeholders, to be summoned by his order, shall proceed at any time to re-hear the matter, and affirm, reverse, or alter the former Judgment, as to him shall appear Right, and thereupon to award Execution. And provided also, That if the owner of such slave, on an appeal, shall give to the Justices first trying such Slave, sufficient security for producing such slave before the Judges of the Supreme Court, as herein directed, then such slave shall be delivered to the said owner, otherwise to be confined at the discretion of such Justices. And Provided further, That in all

cases where it can conveniently be done the owner of any slave charged with the commission of an offence, or his Agents, shall be notified thereof, that he may attend the Trial if he will, - And Provided also, That if on an appeal the Judgment shall be affirmed, then the owner of such slave shall be liable to pay all costs attending the Prosecution.

The foregoing is hereby Declared to be a Law of the Mississippi Territory this thirtieth day of October Anno Domin one thousand eight Hundred. In Testimony of which we have undersigned our names and Caused the public seal to be thereunto affixed.

Winthrop Sargent

Seth Lewis

P Bryan Bruin