

C H A P.  
LXVII.

virtue; and if any such master, mistress, owner or owners, of any such slave or slaves, shall afterwards commit any breach of the condition of such recognizance, it shall be lawful for any person to put in suit and prosecute such recognizance against the cognizor or cognizors thereof; and if the master, mistress, owner or owners, bound by such recognizance, his, her or their executors or administrators, shall be convicted of any of the breaches assigned by verdict, confession or otherwise, the judgment of the court shall be rendered for the penalty and costs of suit, and the same may be recovered by any process of execution, and one third of the penalty shall be applied to the use of the prosecutor, and the remainder to be applied as a fund for the county school, if any, if not, to the use of the county in which such conviction shall happen, and the name of the person prosecuting such recognizance shall be endorsed upon the original writ, and such person shall be answerable for the fees and costs; provided, that if any slave or slaves shall run away or abscond from the service of their master, mistress, owner or owners, contrary to the will of such master, mistress, owner or owners, such running away and absconding shall not be construed, deemed or taken, to be a departing and remaining at large within the meaning of this act.

Free negroes,  
&c. not to give  
or sell their cer-  
tificates, &c.

XVIII. AND BE IT ENACTED, That in all cases where certificates from a clerk of any court, or from any judge or magistrate, have heretofore been granted, or may hereafter be granted, to free negroes or mulattoes, of such negro or mulatto shall hereafter give or sell such certificate to any slave, by which means such slave may be enabled to abscond from the service of his master or owner, and personate the grantee of such certificate, it shall and may be lawful for the master or owner of such slave to have remedy against such free negro in any court of law in this state, and the court before whom such free negro may be tried, shall have full power and authority, upon conviction by the verdict of a jury, or upon confession or otherwise, to fine such free negro or mulatto a sum not exceeding three hundred dollars, in the discretion of the court, one half to the use of the master or owner of such absconding slave, the other half to the county school, in case there be any, if no such school, to the use of the county; and in case the said fine shall not be paid, or secured to be paid, within thirty days, then and in such case, the said court may adjudge such free negro to be sold, at public vendue, for such a term as the said court may deem just and proper, not exceeding seven years, and the money arising from such sale shall be paid to the person or persons whose slave shall have absconded by means of such certificate.

Persons giving  
a pass, &c. sub-  
ject to damages,  
&c.

XIX. AND BE IT ENACTED, That any person or persons, who shall hereafter be convicted of giving a pass to any slave, or person held to service, or shall be found to assist, by advice, donation or loan, or otherwise, the transporting of any slave, or any person held to service, from this state, or by any other unlawful means depriving a master or owner of the service of his slave, or person held to service, for every such offence the party aggrieved shall recover damages in an action on the case against such offender or offenders, and such offender or offenders also shall be liable, upon indictment and conviction upon verdict, confession or otherwise, in this state, in any county court where such offence shall happen, be fined a sum not exceeding two hundred dollars, at the discretion of the court, one half to the use of the master or owner of such slave, the other half to the county school, in case there be any, if no such school, to the use of the county.

Slaves selling  
liquor may be  
apprehended,  
&c.

XX. AND BE IT ENACTED, That any slave selling liquor, or keeping entertainment at any muster ground, horse-race, or other public place whatever, without the orders or permission of his or her owner in writing, shall be liable to be apprehended and punished, in the discretion of any justice of the peace, not exceeding twenty stripes; that upon the information, on oath or affirmation, as the case may be, if any credible person, to any judge, associate justice, or justice of the peace of any county of this state, that any free negro, mulatto or other person, is found living idle, without any visible means of maintenance, or going at large through such county, and without any visible means of subsistence, such judge or justice is hereby authorized and required to issue his warrant to any constable of his county, directing him to apprehend such person or persons, and bring him, her or them, before some judge or justice of such county; and upon the return of any such warrant, such judge or justice, before whom the same shall be returned, is hereby authorized and empowered to inquire, by all lawful means, whether such free negro, mulatto or other person, is an offender under this act, and if it shall be made appear, to the satisfaction of such judge or justice, that such person is such an offender, then in such case such judge or justice is hereby directed forthwith to order such free negro, mulatto or other person, to give security for his good behaviour, in a penalty not exceeding thirty dollars, or on default of such security, to order such free negro, mulatto or other person, to depart the state within five days; and such free negro, or mulatto or other person, refusing to comply with this act, or after leaving this state shall again return within six months, may be again taken up and carried before some judge or justice of the peace, who may commit the said free negro, mulatto or other