

arrest and detention, or upon his or her failure to do so, he or she shall be committed and sold as herein provided in relation to those who have incurred the penalty of five hundred dollars; *Provided*, that if said negro or mulatto shall not remove out of the state within five days after he shall have paid the said sum of twenty dollars, he shall be deemed to have come a second time into the state, and shall be liable as if he had so done.

Servants to strangers not subject to this law.

SEC. 2. *And be it enacted*, That nothing in this act shall be construed to prevent any white citizen or citizens of any other state, district or territory, who shall come into this state on a visit, and not to reside, or who shall be passing through this state, from bringing with him or them, any free negro or negroes, mulatto or mulattoes, in the capacity of servant or servants; *Provided*, that the said servant shall be and continue in attendance on such white citizen or citizens, and shall depart from the state at the same time that said white citizen or citizens shall leave the said state.

Free negroes, without means of support and not of good habits, may be sold as slaves for one year.

SEC. 3. *And be it enacted*, That the justices of any magistrates' court in the several counties of this state, or of any orphans court in the said counties in which there is no such magistrates' court, upon information given to them that any free negro or negroes, mulatto or mulattoes, male or female, are residing within the jurisdiction or county in which said magistrates' court or orphans court are situated, without visible means of support, shall have power to direct the sheriff or any constable of said county, to bring before the said magistrates' court or orphans court, as the case may be, such free negro or negroes, mulatto or mulattoes, and to summon all necessary witnesses, to inquire into the condition and habits of such negro or negroes, mulatto or mulattoes, and if upon examination the justices of the said magistrates' court or orphans court, as the case may be, shall be of the opinion that the said free negro or negroes, mulatto or mulattoes, have not the necessary means of support, and are not of good and industrious habits, then they shall issue an order in writing, directed to the sheriff or any constable of the county, requiring the said sheriff or constable to proceed forthwith to sell the said negro or negroes, mulatto or mulattoes, at public sale, to the highest bidder, to serve in the capacity of a slave, for and during the year in which said sale shall be made, first giving ten days public notice of such sale; *Provided*, that nothing in this section contained, shall go into effect until the first of January next; *And provided also*, that every purchaser of any free negro or negroes, mulatto or mulattoes, by virtue of this act, shall in addition to the price paid by him for such negro or negroes, mulatto or mulattoes, find him, her or them, during the term

*Provido.*