

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.

By 1818, ch. 157, sec. 2, offenders against the prohibitions of this act, are to be sentenced to the penitentiary.

Slaves selling liquor may be apprehended, &c.

SEC. 20. *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, of 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 person, to the common gaol of the county; and in case such person or persons, so committed, shall not, within twenty days thereafter, pay his or her prison charges, it shall and may be lawful for the sheriff of such county wherein such person or persons shall have been committed, with the approbation of any two justices of the peace of