

No. 158.

A SUPPLEMENT

To the act, entitled "An Act relating to the directors of the poor of Lancaster county," approved the second March, eighteen hundred and forty-six.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the provisions of the act, entitled "An Act relating to the directors of the poor of Lancaster county," approved the second day of March, Anno Domini eighteen hundred and forty-six, be and the same are hereby extended to York county.

An act relating to the poor, extended to York county.

JAMES COOPER,
Speaker of the House of Representatives.

CH. GIBBONS,
Speaker of the Senate.

APPROVED—The third day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 159.

AN ACT

To prevent kidnapping, preserve the public peace, prohibit the exercise of certain powers heretofore exercised by judges, justices of the peace, aldermen and jailors in this commonwealth, and to repeal certain slave laws.

Kidnapping.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That if any person or persons shall, from and after the passage of this act, by force or violence take and carry away, or cause to be taken or carried away, and shall by fraud or false pretence entice or caused to be enticed, or shall attempt so to take, carry away or entice any free negro or mulatto, from any part or parts of this commonwealth, to any other place or places whatsoever out of this commonwealth, with a design and intention of selling and disposing of, or of causing to be sold, or of keeping and detaining, or of causing to be kept and detained, such free negro or mulatto as a slave or servant for life, or for any term whatsoever, every such person or persons, his or their aiders and abettors, shall be deemed guilty of high misdemeanor, and on conviction

A high misdemeanor.

thereof, in any court of quarter sessions of this commonwealth, having competent jurisdiction, shall be sentenced to pay, at the discretion of the court passing the sentence, any sum not less than five hundred nor more than two thousand dollars; one-half whereof shall be paid to the person or persons who shall prosecute for the same, and the other half to this commonwealth; and moreover, shall be sentenced to undergo a punishment, by solitary confinement in the proper penitentiary, at hard labor, for a period not less than five years, nor exceeding twelve years; and on conviction of the second offence of the kind, the person so offending shall be sentenced to pay a like fine, and undergo a punishment, by solitary confinement in the penitentiary, for twenty-one years.

SECTION 2. That if any person or persons shall hereafter knowingly sell, transfer or assign, or shall knowingly purchase, take a transfer or assignment of any free negro or mulatto, for the purpose of fraudulently removing, exporting, or carrying such free negro or mulatto out of this state, with the design or intent, by fraud or false pretences, of making him or her a slave or servant for life, or for any term whatsoever, every person so offending shall be deemed guilty of a high misdemeanor, and on conviction thereof, in any court of quarter sessions of this commonwealth, shall be sentenced by such court to pay a fine of not less than five hundred dollars, nor more than two thousand dollars; one-half whereof shall be paid to the person or persons who shall prosecute for the same, and the other half to this commonwealth; and moreover, shall be sentenced, at the discretion of the court, to undergo a punishment by solitary confinement, at hard labor, in the proper penitentiary, for a period not less than five years nor exceeding twelve years.

SECTION 3. That no judge of any of the courts of this commonwealth, nor any alderman or justice of the peace of said commonwealth, shall have jurisdiction, or take cognizance of the case of any fugitive from labor from any of the United States or territories, under a certain act of congress, passed on the twelfth day of February, one thousand seven hundred and ninety-three, entitled "An Act respecting fugitives from justice, and persons escaping from the service of their masters;" nor shall any such judge, alderman or justice of the peace of this commonwealth, issue or grant any certificate or warrant of removal of any such fugitive from labor, under the said act of congress, or under any other law, authority or act of the congress of the United States; and if any alderman or justice of the peace of this commonwealth, shall take cognizance or jurisdiction of the case of any such fugitive, or shall grant or issue any certificate or warrant of removal as aforesaid, then, and in either case, he shall be deemed guilty of a misdemeanor in office, and shall, on conviction thereof, be sentenced to pay, at the discretion of the court, any sum not less than five hundred dollars, nor exceeding one thousand dollars; the one half to the party prosecuting for the same, and the other half to the use of this commonwealth.

SECTION 4. That if any person or persons claiming any negro or mulatto, as fugitive from servitude or labor, shall, under any pretence of authority whatsoever, violently and tumultuously seize upon and carry away to any place, or attempt to seize and carry away in a riotous, violent, tumultuous and unreasonable manner, and so as to disturb or endanger the public peace, any negro or mulatto within this commonwealth, either with or without the intention of taking such negro or mulatto before any district or circuit judge, the person or persons so offending against the peace of this commonwealth, shall be deemed guilty of a misdemeanor, and on conviction thereof, before any court of quarter sessions of this commonwealth, shall be sentenced by such court to pay a fine of not less than one hundred dollars, nor more than

Punishment.

Transfer or sale of any free negroes to be deemed a misdemeanor and punishable.

Jurisdiction of judges, justices and aldermen limited.

Fugitives from labor protected from an unlawful seizure.

one thousand dollars, with costs of prosecution; and further, to be confined in the county jail for any period, at the discretion of the court, not exceeding three months.

Judges to have power to issue writs of habeas corpus.

SECTION 5. That nothing in this act shall be construed to take away what is hereby declared to be invested in the judges of this commonwealth, the right, power and authority, at all times, on application made, to issue the writ of habeas corpus, and to inquire into the causes and legality of the arrest or imprisonment of any human being within this commonwealth.

Duty of jailor or keeper of prisons.

SECTION 6. It shall not be lawful to use any jail or prison of this commonwealth, for the detention of any person claimed as a fugitive from servitude or labor, except in cases where jurisdiction may lawfully be taken by any judge, under the provisions of this act; and any jailor or keeper of any prison, or other person, who shall offend against the provisions of this section, shall, on conviction thereof, pay a fine of five hundred dollars; one-half thereof for the use of the commonwealth, and the other half to the person who prosecutes; and shall, moreover, thenceforth be removed from office, and be incapable of holding such office of jailor or keeper of a prison, at any time during his natural life.

Abolition of slavery.

SECTION 7. That so much of the act of the general assembly, entitled "An Act for the gradual abolition of slavery," passed the first day of March, one thousand seven hundred and eighty, as authorizes the masters or owners of slaves to bring and retain such slaves within this commonwealth, for the period of six months, in involuntary servitude, or for any period of time whatsoever; and so much of said act as prevents a slave from giving testimony against any person whatsoever, be and the same is hereby repealed.

Slave may be a witness.

Certain acts repealed.

SECTION 8. That the act passed March twenty-fifth, eighteen hundred and twenty-six, and all laws of this commonwealth which are hereby altered, be and the same are hereby repealed.

JAMES COOPER,

Speaker of the House of Representatives.

CH. GIBBONS,

Speaker of the Senate.

APPROVED—The third day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.