# A BILL

TO PROHIBIT THE SALE OF

# SPIRITUOUS LIQUORS, &C.,

TO

# FREE PERSONS OF COLOR.

RALEIGH:
W. W. HOLDEN, PRINTER TO THE STATE.
1854.

[Introduced by Mr. JORDAN.—Passed first reading, ordered to be printed, and referred to Committee on Judiciary. December 4, 1854.]

# A BILL

## TO PROHIBIT SALE OF SPIRITUOUS LIQUOR, &c., TO FREE PERSONS OF COLOR.

WHEREAS, it is a subject of general complaint, that the free persons of color of this State carry on an unlawful traffic with the slave population thereof, by purchasing clandestinely with ill-gotten means, for the use and benefit of said slaves, articles of contraband trade, to wit: spirituous liquors, fire-arms, powder and shot, to the manifest annoyance and injury of the owners thereof.

SEC. 1. *Now be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the ratification of this Act, it shall not be lawful for any person or persons to sell and deliver to any free person of color, spirituous liquor, fire-arms, powder or shot, for his own use and benefit, or the use and benefit of any slave or slaves; and if any person or persons shall violate the provisions of this Act, he or she shall forfeit and pay the sum of $100, to be recovered by warrant before any Justice of the Peace; one-half to the use of the party sueing, the other to the wardens of the poor of the county.

SEC. 2. *And moreover,* Shall be indictable in the county or Superior Courts of Law; and the defendant on conviction, shall be fined or imprisoned, at the dis-

4 cretion of the Court; and if it shall appear on the
5 trial that the defendant is a retailer of spirituous
6 liquors, he or she shall forfeit his or her license, and
7 shall be incapable of taking a new license for two
8 years from and after the date of said conviction.

House Bill, No. 13.] [Ses. 1858–'9.

Introduced by Mr. Waddill, of Stanly.

Holden & Wilson, Printers to the State.

# A BILL FOR THE MORE EFFECTUAL SUPPRESSION OF TRADING WITH SLAVES.

*Be it enacted by the General Assembly of the State of*
2 *North-Carolina, and it shall be enacted by the authority of*
3 *the same*, That the 39th chapter and 89th section of Re-
4 vised Code be amended as follows: In 5th line, after the
5 word accordingly—and upon second conviction shall re-
6 ceive thirty-nine lashes.

(3)

House Bill, No. 15.] [Ses. 1858–'9.

Introduced by Mr. Green, of Franklin.

Holden & Wilson, Printers to the State.

# A BILL TO PREVENT THE SALE OF SPIRITUOUS LIQUORS TO FREE PERSONS OF COLOR.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That no person shall sell or deliver to any free person of color, for cash or in exchange for articles delivered, or upon any consideration whatever, or as a gift, any spirituous liquor, or liquor of which alcohol is an ingredient, except upon the written certificate of some practicing physician stating that the same is necessary for medicinal purposes.

Sec. 2. *Be it further enacted,* That any person who shall offend against the provisions of the foregoing section shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of record, shall be fined not less than ten nor more than fifty dollars.

Sec. 3. *Be it further enacted,* That upon the trial of any person for a violation of this act, it shall be the duty of the person charged to produce the certificate of the physician as aforesaid, and not the duty of the State to negative the existence thereof.

(4)

House Bill, No. 20.] [Ses. 1858–'9.

Introduced by Mr. Sparrow, of Beaufort.

Holden & Wilson, Printers to the State.

# A BILL to PROVIDE MORE EFFECTUALLY AGAINST AIDING SLAVES TO ESCAPE FROM THE STATE.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the eleventh section of the thirty-fourth chapter of the Revised Code, which prescribes death as a penalty for aiding slaves to escape from the State, be and the same is hereby repealed.

Sec. 2. *Be it further enacted*, That if any person shall wilfully carry or conceal any slave, the property of another, without the consent of the owner or the guardian of the owner, with the intent and for the purpose of enabling such slave to escape out of this State from the service of his owner, or any one having an interest in such slave, present or future, vested or contingent, legal or equitable, or if any person shall wilfully conceal any slave, the property of another, with such intent and purpose, the person so offending, if a white person, shall be imprisoned twelve months and receive not less than three public whippings; and if a free negro, shall receive not less than one public whipping and be sold into perpetual slavery; and if a slave, shall receive one or more public whippings, and be imprisoned at the discretion of the court, and be sold without the limits of the State.

SEN. BILL.] [No. 3.

Introduced by Mr. HUMPHREY, of Onslow.

Holden & Wilson, Printers to the State.

# A BILL CONCERNING FREE PERSONS OF COLOR.

SEC. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, it shall not be lawful for any free person of color to emigrate to this State.

SEC. 2. *Be it further enacted*, That if any free person of color shall emigrate to this State, it shall be the duty of the Sheriff, or any one of the Constables of the County to which such emigration shall be made, to arrest such free person of color, after giving him ten days' notice, and bring him before the Chairman of the Court of Pleas and Quarter Sessions, and it shall be the duty of the Chairman of the Court of Pleas and Quarter Sessions, before whom such free person of color may be brought, to receive the bond of such free person of color in the sum of one thousand dollars, with the security of a citizen, to be approved by him, conditioned for the removal of such free person of color out of the limits of the State.

SEC. 3. *Be it further enacted*, That if any free person of color should be brought before the Chairman of the Court of Pleas and Quarter Sessions of any County, and shall not be able to give the bond as prescribed in the second section of this Act, such Chairman of the Court of Pleas and Quarter Sessions, shall commit such free person of color to the public jail, with an order to the Sheriff to expose him to public sale, to the highest bidder, at the

9 Court-house door, of his County, after giving four weeks'
10 notice of the same, in the nearest public journal, and at
11 least four public places in his County, and the said pur-
12 chaser shall and may exercise all the rights of ownership
13 over said free person of color, for one year from such sale.

SEC. 4. *Be it further enacted*, That if any such free
2 person of color, shall during the year of such slavery, be
3 able to give his bond as contemplated in the second sec-
4 tion of this Act, to take effect at the end of his slavery,
5 he shall be permitted to do so; but if he shall fail to ren-
6 der the bond, until after the expiration of his slavery, it
7 shall be the duty of the purchaser to return him into the
8 hands of the Sheriff.

SEC. 5. *Be it further enacted*, That it shall be the duty of
2 the Sheriff, upon the return of any such free person of
3 color, upon giving six weeks' notice in some public
4 journal, and at least four public places in his County, to
5 expose the free person of color, so returned, at public sale,
6 to the highest bidder, and such free person of color so sold,
7 shall remain a slave for life; *Provided*, That if any per-
8 son of color so sold should be the property of any individual,
9 he shall have his right of recovery by due course of law.

SEC. 6. *Be it further enacted*, All monies arising from
2 the sale of such free persons of color, shall be paid over
3 to the Chairman of the board of Superintendents, to be
4 appropriated by him to the use of Common Schools, in
5 his County, in the same manner as County taxes for
6 school purposes.

SEC. 7. *Be it further enacted*, That upon the forfeiture of
2 the bond of any free person of color, the same shall be
3 placed in the hands of the County Solicitor for collection,
4 who shall prosecute the same against the securities only;
5 and the amount of sale, if such shall have been made, of
6 the free person of color, shall, in all cases, be subtracted
7 from the amount adjudged against the securities, and the
8 remainder only shall be recovered of them.

SEC. 8. *Be it further enacted*, That two years shall be
2 allowed, from and after the passage of this act, to all free

3 persons of color who now are in this State, to remove out
4 of the same; and all those who shall be found here after
5 that time, without the permission of the General Assem-
6 bly, shall be arrested and sold as provided in this act.

SEC. 9. *Be it further enacted*, That it shall not be law-
2 ful for any master of a vessel, or owner thereof, nor for
3 any other person or persons whatsoever, to bring, import,
4 induce, aid or assist in the bringing, importing, or induc-
5 ing any free person of color within the limits of this State,
6 directly or indirectly; and any person so offending shall
7 be deemed guilty of a misdemeanor, and on conviction
8 shall be fined in a sum of not les than five hundred nor
9 more than five thousand dollars: *Provided*, That cooks
10 and other hands employed on board of vessels shall not be
11 considered as coming within the provisions of this act.

SEC. 10. *Be it further enacted*, That the Governor of
2 the State do issue his proclamation, commanding all free
3 persons of color who now are in the State, to remove from
4 the same before the 1st day of January, 1860, and the Sec-
5 retary of State publish this act a number of times in all
6 the journals of this State.

SEC. 11. *Be it further enacted*, That all laws contrary to
2 the meaning and spirit of this act, are hereby repealed.

(6)

SEN. BILL.] [No. 5.

Introduced by Mr. HUMPHREY, of Onslow.

Holden & Wilson, Printers to the State.

# A BILL TO PERMIT FREE PERSONS OF AFRICAN DESCENT TO SELECT THEIR OWN MASTERS AND BECOME SLAVES.

SEC. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall be lawful for any free person of African descent, now in the State, or who may hereafter be within its limits, being over the age of fourteen years, to choose his or her master, and become a slave, upon the terms and conditions hereinafter named: *Provided,* said slave shall not be subject to forced sales for any debt incurred by, or judgment rendered against the chosen master, prior to the period of enslavement.

SEC. 2. *Be it further enacted,* That whenever any free person of African descent as aforesaid desires to choose a master, such person may file a petition in the Court of Pleas and Quarter Sessions of the county in which he or she resides, setting forth his or her desire to choose an owner, and stating the name of such person as he or she desires to select as an owner; which petition shall be signed by the petitioner, in the presence of at least two subscribing witnesses. And thereupon the clerk of the Court in which such petition shall have been filed, shall give notice thereof by posting such notice at the Court-house door for four weeks; and said clerk shall issue a summons to the petitioner, and the person designated in the petition as the proposed master, citing them to appear

15 before said Court, at the term thereof next succeeding
16 the expiration of the publication of said notice, and shall
17 also issue a subpœnea for the subscribing witnesses to the
18 petition, which summons and subpœnea shall be executed
19 in the same manner as like process in other cases.

SEC. 3. *Be it further enacted*, That upon the appear-
2 ance in open Court, of both the petitioner and the per-
3 son designated in the petition as the desired master, the
4 Court shall proceed to examine each party separately, as
5 well as the subscribing witnesses to the petition, and such
6 other person as the Court may see fit; and at such examin-
7 ation, the County Solicitor shall be present, and see that a
8 full examination is had, and he shall represent the petition
9 in such examination. And if upon such examination, the
10 Court shall be satisfied that there is no fraud nor collusion
11 between the parties, that the proposed master is a person
12 of good repute, and there is no good reason to the con-
13 trary, the said Court shall have power, by decree entered
14 into the records of the Court, to grant the prayer
15 of the petitioners; and from the entry of such de-
16 cree, the property in said person of African descent, as a
17 slave, shall vest in the person so chosen as master, and his
18 rights and liabilities, and the condition of the petitioner
19 shall in all respects be the same as though such petitioner
20 had been born a slave to the master so chosen.

SEC. 4. *Be it further enacted*, That when any such
2 petitioner as hereinbefore mentioned, shall be a female
3 having children under fourteen years of age, and shall in
4 her petition ask that such children shall become the slaves
5 of the same person chosen by her as her master, if the
6 Court shall, after examination as in this act before provided,
7 grant the prayer of the petitioner as to herself, it shall also
8 decree such children in like manner, to be the slaves of
9 the same owner. *Provided*, that where the mother of
10 such children of African descent, under the age of four-
11 teen years, shall be deceased, in that case the next friend
12 of such children shall have authority in their behalf, to
13 proceed in the same manner to the selection of a master

14 for them, as the mother might do under the provision of
15 this act.

SEC. 5. *Be it further enacted*, That the County Solicitor
2 shall be entitled to a fee of ten dollars for each examina-
3 tion attended by him under the provisions of this act,
4 which shall be taxed as costs on the proceedings, and all
5 the costs of the proceedings shall be paid by the master to
6 whom the slave may be decreed, and after a petition shall
7 have been filed under the provisions of this Act, and du-
8 ring the pendency of the proceedings under the same,
9 no proceedings shall be had against the petitioner under
10 any law prohibiting free persons of color from remaining
11 in or coming to this State.

(7)

House Bill.] [No. 1.

Introduced by Mr. Walser, of Davidson.

Holden & Wilson, Printers to the State.

# A BILL TO REMOVE FREE PERSONS OF COLOR BEYOND THE LIMITS OF THE STATE OF NORTH-CAROLINA.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That all free persons of color between twenty-one and fifty years of age, shall remove themselves beyond the limits of the State of North-Carolina, on or before the first day of November, in the year of our Lord, one thousand eight hundred and sixty, and shall not return to said State, and remain for the space of twenty days at any one time.

Sec. 2. *Be it further enacted*, That each of the several County Courts of the State aforesaid at their first term after the first day of April next, a majority of the acting Justices of their county being present, shall proceed to elect by ballot, some one person of their county, a County Commissioner, on the subject of free persons of color for the term of one year, or until some other person shall be elected in all cases of an election as aforesaid. No person shall be elected until they have received a majority of the whole number of votes given.

Sec. 3. *Be it further enacted*, That every Commissioner aforesaid, when elected shall execute a bond for the faithful discharge of the duties of his office, with good and sufficient secnrity, in such sum as the Court may agree, payable to the State of North-Carolina, and approved of

6 by the Court, at least seven Justices being present, and
7 the Clerk of the County Court shall file and keep said
8 bond in the records of his office.

SEC. 4. *Be it further enacted*, That said Commissioner
2 shall take the oath prescribed for public officers, in open
3 Court.

SEC. 5. *Be it further enacted*, That when the said Com-
2 missioner shall have fully complied with section 3rd and
3 4th, he shall proceed immediately in the discharge of his
4 duty. He shall visit the dwelling-house and places of
5 abode of each and every free person of color in his coun-
6 ty, between twenty-one and fifty years of age—he shall
7 ascertain the names and ages of all the free persons of
8 color in his county, and the true valuation of each one's
9 estate, real, personal or mixed, and the said Commissioner
10 shall make out a fair and true list of all the names, ages,
11 sex and condition, and the condition of their estate in al-
12 phabetical form, and make a true return on or before Tues-
13 day of the succeeding County Court, after he shall have
14 been appointed as Commissioner, and the said Court dur-
15 ing said term shall proceed and levy such taxes on real
16 and personal estate belonging to all free persons of color
17 and such poll taxes on all free male persons of color as
18 may appear reasonable, listed and returned by said Com-
19 missioner, in their county.

SEC. 6. *Be it further enacted*, That the County Court
2 Clerk shall make out a tax list, accordingly, and the Sheriff
3 shall furnish said Commissioner with a copy of said tax
4 list within ten days from the close of the Court, and when
5 the said Commissioner shall have received the tax list afore-
6 said, he shall proceed to the collection of the taxes due on
7 said list in the same manner as Sheriffs now collect taxes.
8 and the said Commissioner shall collect and pay over to
9 the Clerk of the County Court of his county, all taxes col-
10 lected by him by virtue of this Act, within twelve months.
11 in each and every year, from the reception of tax list, and
12 shall be liable in the same manner as Sheriffs now are in
13 cases of failure.

Sec. 7. *Be it further enacted*, That if any free person of color shall wish to remain in the State of North-Carolina, and prefer becoming a slave, it shall, and may be lawful for any one of them to execute a bill of sale to any free white person, who may purchase them, the said free person of color, for any sum to be agreed on by the County Commissioner and the purchaser, and when any free person of color who shall have first arrived to the age of one and twenty years, and shall execute a bill of sale to the purchaser, the said free person of color for ever thereafter shall cease to be a free person of color, and shall be the slave and property of the purchaser, his heirs and assigns, and their issues, born after the signing and sealing of this obligation, shall be the slave and property of the owner in as full and ample manner as the issues of slaves now are held by law, the County Commissioner first taking a bond with good and sufficient security for the purchase money. The bills of sale of all free persons of color shall be witinessed by two free holders, and recorded within six months after it is given.

Sec. 8. *Be it further enacted*, That all free persons of color who may not have arrived to the age of one and twenty years, at the passage of this Act, but shall arrive to that age thirty days previous to the first day of November, 1860, shall remove themselves at the time, and in the same manner now prescribed for their removal in section 1st, and all those arriving of age after the year 1860, shall leave the State within thirty days thereafter.

Sec. 9. *Be it further enacted*, That all free persons of color who shall fail to comply with the first section of this Act, and are found in any county in the State in violation of this Act, shall be seized by the County Commissioner of the county where they reside, and by him committed to the common jail of his county, not exceeding fifteen days, and the said County Commissioner shall sell the said free person of color at public sale, at the Court-house door of his county, to the highest bidder, first having advertised at the Court-house door, and three other public places

11 at least ten days previous to the day of sale. The pur-
12 chaser shall execute bond payable to the County Com-
13 missioner, with approved security for the purchase money,
14 on such a credit as the Commissioner shall think best, not
15 to exceed six months.

SEC. 10. *Be it further enacted*, That so soon as the
2 County Commissioner aforesaid shall have made his an-
3 nual settlement with the Clerk of his county, and paid all
4 money collected during the year, into the office, both as
5 taxes and for the sales made by the free persons of color,
6 either by their own voluntary act, or at public sale, it shall
7 be the duty of the Clerk to make settlement with the suc-
8 ceeding Court for the same, and the Court shall make such
9 allowance to the Clerk of the Court and the Commissioner
10 for their services as they may think proper, and retain such
11 further sums as they may adjudge sufficient to maintain all
12 the old and infirm free persons of color in their county.

SEC. 11. *Be it further enacted*, That after the Court
2 has first paid out all expenses incurred by the Clerk of the
3 county and Commissioner for their services, and set apart
4 such sums for the maintainance of the old and infirm
5 free persons of color of their county, it shall be the duty
6 of the Court, seven Justices being present to direct and
7 cause the Clerk to pay over to the Treasurer of the State
8 all such sums of money remaining in his hands and not
9 used for the above purposes, within one month after such
10 settlement, and all such sums of money paid into the
11 Treasury of the State, shall be applied to the use of all
12 such free persons of color as may migrate beyond the limits
13 of the State, in such manner as the Governor may direct,
14 either in their removal or in the purchase of lands for their
15 use in any State or Territory of the United States, or in
16 any foreign country.

SEC. 12. *Be it further enacted*, That for the purpose of
2 carrying out the provisions of this Act, the Governor of
3 the State shall have the full power and authority to ap-
4 point any number of Commissioners on the part of the
5 State, not to exceed three, who may be aiding said free

6 persons of color to their place of residence, with a salary
7 not to exceed five hundered dollars each, to be paid out of
8 any money collected and paid into the Public Treasury
9 by virtue of this Act.

SEC. 13. *Be it further enacted*, That the County Court
2 Clerk shall execute bonds, with such security, and in such
3 sums as the Court may approve, and direct payable to the
4 State of North-Carolina, and any Clerk who shall fail to
5 comply with this Act, shall be subject to the same penal-
6 ties as they are now by law, for the neglect or violation
7 in other cases.

SEC. 14. *Be it further enacted*, That should any Coun-
2 ty Commissioners or Commissioner appointed by the Gov-
3 ernor, under circumstances, sell or cause to be sold any
4 one of the free persons of color, contrary to the true mean-
5 ing of this Act, they shall be subject to indictment, and
6 on conviction, shall suffer the same penalty as is now pre-
7 scribed by law for the offence of selling free negroes or
8 persons of color.

(8)

House Bill, No. 2.] [Ses. 1858–'9.

Introduced by Mr. Moore, of Martin.

Holden & Wilson, Printers to the State.

# A BILL TO INCREASE THE NUMBER OF SLAVE-HOLDERS IN N. CAROLINA, AND TO STRNGTHEN THE DOMESTIC INSTITUTION OF AFRICAN SLAVERY.

Sec. 1. *Be it enacted by the General Assembly of the*
2 *State of North-Carolina, and it is hereby enacted by the*
3 *authority of the same*, That from and after the first day of
4 March, eighteen hundred and fifty-nine, every white per-
5 son in the State of North-Carolina, competent to hold and
6 dispose of property, in his or her own right, shall be en-
7 titled to hold and possess one negro, exempt from execu-
8 tions, and if said negro be a woman, her issue shall like-
9 wise be exempted from executions until they shall have
10 attained respectively the age of ten years. *Provided*,
11 nevertheless, that nothing herein contained shall be so con-
12 strued as to prevent the collection of any debt contracted
13 before this act shall go into effect.

Sec. 2. *Be it further enacted*, That all persons who are
2 desirous of availing themselves of the privileges confered
3 by this act shall deposit in the office of the county court
4 clerk, a written declaration giving due notice of the same;
5 a copy of which shall be duly advertised by the county
6 court clerk, at the court-house door, not less than thirty
7 days immediately preceding any court of Pleas and Quar-
8 ter Sessions for said county.

Sec. 3. *Be it further enacted*, That any subsequent
2 court of Pleas and Quarter Sessions shall, on application,
3 order the clerk to issue duplicate certifiates, one to the

4 applicant and the other to be filed in the office of the
5 clerk, giving the name, age and sex of the negro selected
6 by the applicant to be exempted, and declaring said slave
7 to be free and exempt from any levy or sale under any
8 execution or process issuing from any court of law or equity
9 upon any judgment for any obligation, demand or liability.

SEC. 4. *Be it further enacted*, That the clerk of the
2 county court shall be entitled to the sum of one dollar
3 from the person or persons so claiming the benefits of this
4 act.