

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
NANCY GIMENA HUISHA-HUISHA, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	No. 21-cv-00100-EGS
)	
ALEJANDRO MAYORKAS, Secretary of Homeland)	
Security, in his official capacity, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	
_____)	

SECOND DECLARATION OF MING CHEUNG

I, Ming Cheung, hereby declare:

1. I am an attorney at the American Civil Liberties Union Foundation Immigrants’ Rights Project, and am counsel for Plaintiffs in this case.

2. Attached as Exhibit A is a copy of an excerpt of the 1835 Statutes at Large of South Carolina (No. 2653, An Act More Effectually to Prevent Free Negroes and Other Persons of Color From Entering Into This State; And For Other Purposes), available at Thomas Cooper, Editor; McCord, David, Editor, Statutes at Large of South Carolina (1836-1873), at 470-74, as downloaded from the HeinOnline database.

3. Attached as Exhibit B is a copy of an excerpt of the 1842 Code of Mississippi (Art. 17, An Act to Amend the Several Acts of this State in Relation to Free Negroes and Mulattoes (Feb. 26, 1842)), available at A. Hutchinson, Code of Mississippi: Being an Analytical Compilation of the Public and General Statutes of the Territory and State, with Tabular References to the Local and Private Acts, from 1798 to 1848 (1798-1848), at 537-40, as downloaded from the HeinOnline database.

I, Ming Cheung, declare under penalty of perjury of the laws of the State of New Jersey and the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on August 10, 2021, in Jersey City, New Jersey.



MING CHEUNG, ESQ.

Exhibit A

A. D. 1835.

Acts relating to Slaves.

abetting, where any game of chance is played, as aforesaid, such person, upon conviction thereof, by indictment, shall be whipped, not exceeding thirty-nine lashes, and fined and imprisoned at the discretion of the court trying such person.

VII. This Act shall take effect from the first day of April next.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, and in the fifty-ninth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2653. AN ACT MORE EFFECTUALLY TO PREVENT FREE NEGROES AND OTHER PERSONS OF COLOR FROM ENTERING INTO THIS STATE; AND FOR OTHER PURPOSES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, it shall not be lawful for any free negro or person of color to migrate into this State, or be brought or introduced into its limits, under any pretext whatever, by land or by water. And in case any free negro or person of color, (not being a seaman on board any vessel arriving in this State,) shall migrate into, or be introduced into, this State, contrary to this Act, it shall and may be lawful for any white person to seize and convey him or her before any magistrate of the district or parish where he or she may be taken; and it shall be the duty of the sheriff or any constable in the parish or district in which said entry shall be made, and of the city marshalls in the city of Charleston, should the entry be made in Charleston, upon information of the migration or introduction of any such free negro or person of color, to arrest and bring before some magistrate of the district or parish where the said free negro or person of color shall be taken; which magistrate is by this Act empowered to commit to prison, or, at his discretion, to hold to bail, such free negro or person of color, and to summon three freeholders and form a court, as the law directs for the trial of persons of color, and examine such free negro or person of color, within six days after his or her arrest, and, on conviction, to order him or her to leave the State, and to commit such free negro or person of color so convicted, to close prison, until such time as he or she can leave the State; or to release him or her on sufficient bail, for any time not exceeding fifteen days, at the discretion of the magistrate. And every free negro or person of color so bailed, and ordered to leave the State, as aforesaid, who shall not have left the State within the time for which he or she shall have been released on bail, or who, having left the State after conviction as aforesaid, shall return into the same, shall be arrested and committed to close prison as aforesaid; and upon proof before a court, to be constituted as this Act directs, of his or her having failed to leave the State as aforesaid, or of his or her having returned into the State after having left the same as aforesaid, he or she shall be subjected to such corporal punishment as

Prohibiting their entrance into this State.

Duty of officers upon information.

Penalty for not leaving the State.

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the said court in their discretion shall think fit to order. And if, after said sentence or punishment, such free negro or person of color shall still remain in the State longer than the time allowed, or having left the State, shall thereafter return to the same, upon proof and conviction thereof, before a court to be constituted as hereinbefore directed, he or she shall be sold at public sale as a slave; and the proceeds of such sale shall be appropriated and applied, one half thereof to the use of the State, and the other half to the use of the informer.

II. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any free negro or person of color to come into this State on board any vessel, as a cook, steward or mariner, or in any other employment on board such vessel; and in case any vessel shall arrive in any port or harbour of this State, from any other State or foreign port, having on board any free negro or person of color, employed on board such vessel, as a cook, steward or mariner, or in any other employment, it shall be the duty of the sheriff of the district in which such port or harbour is situated, immediately on the arrival of such vessel, to apprehend such free negro or person of color, so arriving contrary to this Act, and to confine him or her closely in jail, until such vessel shall be hauled off from the wharf, and ready to proceed to sea. And that when said vessel is ready to sail, the captain of the said vessel shall be bound to carry away the said free negro or person of color, and to pay the expenses of his or her detention. And in every such case, it shall be the duty of the sheriff aforesaid, immediately on the apprehension of any free negro or person of color, to cause said captain to enter into a recognizance, with good and sufficient security, in the sum of one thousand dollars for each free negro or slave so brought or introduced into this State, that he will comply with the requisitions of this Act; and that on his neglect, refusal or inability to do the same, he shall be compelled by the sheriff aforesaid, to haul said vessel into the stream, one hundred yards distance from the shore, and remain until said vessel shall proceed to sea. And if said vessel shall not be hauled off from the shore as aforesaid, on the order of the sheriff aforesaid, within twenty-four hours after the said order, the captain or commanding officer of said vessel shall be indicted therefor, and, on conviction, forfeit and pay one thousand dollars, and suffer imprisonment not exceeding six months.

Sheriff's duty.

Penalty on masters of vessels.

III. *And be it further enacted* by the authority aforesaid, That whenever any free negro or person of color shall be apprehended and committed to jail, as having arrived in any vessel in the capacity of cook, steward, mariner, or otherwise, contrary to this Act, it shall be the duty of the sheriff, during the confinement in jail of such free negro or person of color, to call upon some justice of the peace or quorum, to warn such free negro or person of color, never to enter the said State, after he or she shall have departed therefrom; and such justice of the peace or quorum, shall, at the time of warning such free negro or person of color, insert his or her name in a book to be provided for that purpose by the sheriff, and shall therein specify his or her age, occupation, height, and distinguishing marks; which book shall be good and sufficient evidence of such warning. And said book shall be a public record, and be subject and open to the examination of all persons who may make application to the clerk of the court of general sessions, in whose office it shall be deposited. And such justice shall receive the sum of two dollars, payable by the captain of the vessel in which said free negro or person of color shall be introduced into this State, for the services rendered in making said entry. And every free negro or person of

Sheriff's duty.

Justice's fees.

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color, who shall not depart the State, in case of the captain refusing or neglecting to carry him or her away, or having departed, shall ever again enter into the limits of this State, by land or by water, after having been warned as aforesaid, shall be dealt with as the first section of this Act directs in regard to persons of color who shall migrate or be brought into this State.

Penalty for introducing free negroes and persons of color into this State.

IV. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any master or captain of any vessel, or for any other person, to introduce or bring into the limits of this State any free negro or person of color, as a passenger, or as a cook, mariner, steward, or in any other capacity, on board of such vessel, whose entrance into this State is prohibited by this Act. And if any master or captain of any such vessel, as aforesaid, shall bring in or introduce into this State any such free negro or person of color, whose entrance is prohibited as aforesaid, or if any other person shall introduce by land, as a servant, any free negro or person of color, every such person shall, for the first offence, be indicted therefor, and on conviction, be fined in a sum not exceeding one hundred dollars; and for the second offence, be liable to forfeit and pay, for each free negro or person of color so brought into this State, the sum of one thousand dollars; and shall, moreover, be liable to be imprisoned for any term of time not exceeding six months. And such free negro or person of color, so introduced, whose entrance into this State is prohibited as aforesaid, shall be dealt with as is prescribed in the first section of this Act.

Penalty for returning, after leaving the State.

V. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any free negro or person of color, who has left the State at any time previous to the passing of this Act, or for those who may hereafter leave the State, ever to return again into the same, without being subject to the penalties of the first section of this Act, as fully as if they had never resided therein.

Not lawful to bring slaves from foreign parts.

Slaves taken out of the State cannot be brought back again.

VI. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any citizen of this State, or other person, to bring into this State, under any pretext whatever, any slave or slaves from any port or place in the West Indies, or Mexico, or any part of South America, or from Europe, or from any sister State situated to the North of the Potomac river, or the city of Washington. Neither shall it be lawful for any person to bring into this State, as a servant, any slave who has been carried out of the same, if, at any time during the absence of such slave from this State, he or she hath been in ports or places situated in Europe, in the West Indies, or Mexico, or any part of South America, or in any State north of the Potomac, or city of Washington; and any person who shall bring into this State any slave, contrary to the meaning of this Act, shall forfeit and pay the sum of one thousand dollars for each such slave, to be recovered in an action of debt, in any court having jurisdiction; and each and every such slave shall be forfeited as is hereinafter provided by this Act: *Provided*, that nothing herein contained shall prevent any owner from bringing into the State any runaway slave who may have been re-taken.

VII. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for any white person, on the arrival of any slave into this State from any other State or foreign port, to arrest and carry him or her before some magistrate of the district or parish where he or she may be taken; and it shall be the duty of the sheriff or any constable of the district or parish into which such slave shall be brought, as aforesaid, on information given, to arrest any slave arriving, brought or introduced into

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this State from any other State or foreign port, and carry him or her before some magistrate, as aforesaid, who shall forthwith commit such slave or slaves to prison, and there keep him or her until the owner or person introducing such slave or slaves into this State shall make oath, that at no time during the absence of such slave or slaves from this State, he, she or they have been in any port or place prohibited by this Act. And should such owner or person introducing such slave or slaves, neglect or refuse to make such oath, for the space of ten days after he or she shall have received notice of the arrest of such slave or slaves, and of the cause thereof, it shall be the duty of the magistrate aforesaid, to form a court of two magistrates and five freeholders, and on proof, to the satisfaction of such court, that such slave or slaves have been beyond the limits of this State, and that such owner or person who shall have introduced them into this State, as aforesaid, after having been duly served with the notice of such slave or slaves having been arrested, as aforesaid, and of the cause of such arrest, has neglected or refused to make oath, as aforesaid, it shall then be lawful for said court to order the said slave or slaves to be sold at public sale, and the proceeds of such sale shall go and be appropriated, one half to the State, and the other half to the use of the informer.

The power to arrest.

Method of forming court.

VIII. *And be it further enacted* by the authority aforesaid, That all free negroes and persons of color, and all other persons, shall be exempted from the operation of this Act, where such free negroes or persons of color, and slaves, have arrived within the limits of this State by shipwreck, stress of weather, or other unavoidable accident. But such free negroes or persons of color, and slaves, shall be, nevertheless, liable to arrest and imprisonment, as is provided by the second section of this Act for all free negroes or person of color migrating or introduced into this State contrary to law; and each free negro or person of color, and slaves, and all other persons, shall be subject to all the other penalties of this Act, if the requisitions of the same be not complied with within thirty days after such shipwreck, stress of weather, or other unavoidable accident.

Cases of exception.

IX. *And be it further enacted* by the authority aforesaid, That this Act shall not extend to free negroes or persons of color who shall arrive in any port or harbor of this State, as cooks, stewards, mariners, or as otherwise employed in any vessel of war of the United States navy, or on board of any national vessel of the navies of any of the European or other powers in amity with the United States, unless said free negroes or persons of color shall be found on shore after being warned by the sheriff or his deputy to keep on board their vessels. Nor shall this Act extend to free American Indians, free Moors or Lascars, or other colored subjects of countries beyond the cape of Good Hope, who may arrive in this State in any merchant vessel.

Cases of exception.

X. *And be it further enacted* by the authority aforesaid, That in case any master or mate of any vessel, on his arrival, shall make any false return to the sheriff, or his deputy, of the number of persons he may have on board, whose entrance may be prohibited by this Act, he shall forfeit and pay the sum of one thousand dollars, to be recovered by an action of debt, in any court having jurisdiction. And any master of a vessel, or other person, opposing the sheriff or his deputy, or any constable or marshal, in the execution of his duty under this Act, and all persons aiding and abetting him therein, shall be liable to be indicted, and, on conviction, fined not exceeding one thousand dollars, and be imprisoned not exceeding six months.

Penalty for false returns.

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Penalty on
masters of ves-
sels for false
returns.

XI. *And be it further enacted* by the authority aforesaid, That any sheriff, constable or marshal, who shall wilfully neglect or refuse to perform the duties required by this Act, shall forfeit and pay five hundred dollars, one half to the informer, and the other half to the use of the State, to be recovered by action of debt, in any court having jurisdiction.

XII. *And be it further enacted* by the authority aforesaid, That all prosecutions under this Act may be maintained without limitation of time. *Provided, however,* that no prosecution shall be permitted against the masters of vessels, or any other white persons from any part of the United States, in less than three months, or against captains of vessels from foreign ports in less than six months, after the passing of this Act.

Repeal of re-
pugnant Acts.

XIII. *And be it further enacted* by the authority aforesaid, That so much of an Act passed on the twentieth day of December, one thousand eight hundred and twenty, entitled "An Act to restrain the emancipation of slaves, and to prevent free persons of color from entering into this State; and for other purposes;" and also so much of another Act, passed on the twenty-first day of December, one thousand eight hundred and twenty-two, entitled "An Act for the better regulation and government of free negroes and persons of color, and for other purposes," as are repugnant to this Act, and so much thereof as makes it the duty of the harbor-master to report to the sheriff the arrival of all free negroes in the harbor of Charleston; and also an Act passed on the twentieth day of December, one thousand eight hundred and twenty-three, entitled "An Act the more effectually to prohibit free negroes and persons of color from entering into this State, and for other purposes," be, and the same are hereby, repealed.

Not permitted
to carry fire-
arms.

XIV. *And be it further enacted* by the authority aforesaid, That no free negro or other free person of color shall carry any fire-arms, or other military or dangerous weapons abroad, except with a written ticket from his or their guardian, under pain of forfeiting the same, and being fined or whipped, at the discretion of any magistrate and three freeholders before whom he or they may be convicted thereof. Nor shall any free person of color be hereafter employed as a pioneer, though he may be subjected to military fatigue duty when called on.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

Exhibit B

Ch. 37. *Master and Servant, Slaves, &c.*

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ART. 15. *Amendment of Article Two—Feb. 16, 1839.*

§ 1, 2, 3. *Penalties for Harboring Slave.* Any free white person who shall be convicted of secretly harboring a slave or slaves without the consent of his, her, or their owner, employer or overseer, shall be fined, for each such slave or slaves so harbored, in a sum not more than five hundred dollars, nor less than two hundred dollars, to be recovered before any court having competent jurisdiction; one moiety of which shall be paid into the county treasury of such county in which said offence shall have been committed, and the other moiety to the owner or employer of such slave or slaves for the time being; and further, be imprisoned not less than one nor more than six months, at the discretion of the court.

Any Indian, free negro, or mulatto, who shall be guilty of so secretly harboring any slave or slaves as aforesaid, upon conviction thereof before any court having competent jurisdiction, shall, for each and every such offence, forfeit and pay to the owner or employer of such slave or slaves for the time being, the sum of fifty dollars, together with all costs; and, further, be imprisoned not less than three nor more than six months, at the discretion of the court.

Any slave or slaves who shall be convicted of a like offence, before any justice of the peace, he, she, or they shall receive such corporeal chastisement, not exceeding thirty-nine lashes, as shall be directed by the justice of the peace of before whom such slave may be brought.

ART. 16. *An Act defining the Duties of Sheriffs in Relation to Runaway Slaves—Feb. 16, 1839.*

It shall hereafter be the duty of the sheriffs of the different counties of this state, that, when any slave or slaves shall be taken up as runaways and committed to jail, within ten days thereafter to forward to the public printer of this state an advertisement, giving a particular description of such slave or slaves; and it shall be the duty of the public printer to give to said advertisement two insertions in the said paper; and it is hereby made the duty of the sheriff, when said slave or slaves be proven or sold, as the case may be, to retain the amount of the said printer's fees, subject to his order. See a. 22.

ART. 17. *An Act to amend the several Acts of this State in Relation to free Negroes and Mulattoes—Feb. 26, 1842.*

§ 1. *Proceedings against those unlawfully here.* It shall be the duty of any justice of the peace, and he is hereby authorized, at the request of any freeholder of his county, to cause any free negro or mulatto, unlawfully within this state, to be brought before him, and give good and sufficient security in the sum of one hundred dollars, that he or she will be of good behavior while in this state, and if any such free negro or mulatto shall refuse or fail for the space of two days to give such security, it shall be the duty of such justice to commit such free negro or mulatto to jail, and the sheriff of such county shall advertise and sell the same in the manner provided by law.

2. *Of emancipated Negroes.* In all cases when any person hath sent or taken any slave from this state, and hath emancipated such slave, or caused such slave to be emancipated without this state, or shall hereafter do so, and such slave shall, after such emancipation, be found within this state, such person shall forfeit, and are hereby declared to have forfeited, all right or title to protect such emancipated slave from incurring all the penalties of this Act, or

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from being proceeded against as a free negro or mulatto unlawfully within this state : *Provided*, Such emancipation takes place after the passage of this Act.

3. *Free Negroes may not emigrate to this State.* From and after the passage of this Act, it shall not be lawful for any free negro or mulatto to emigrate into this state or be brought or introduced into its limits under any pretence whatsoever, by land or by water ; and in case any free negro or mulatto shall emigrate into, or be introduced into this state contrary to this Act, it shall and may be lawful for any white citizen of this state to seize and convey him or her before some justice of the peace in the county in which such free negro or mulatto may be found ; and it shall be the duty of the sheriff or any constable of such county, upon information of the emigration or introduction of any such free negro or mulatto, to arrest him or her, and bring him or her before some justice of the peace of their county, which justice of the peace is hereby authorized and empowered, on the conviction of such free negro or mulatto of having so emigrated into this state, to order such free negro or mulatto to receive any number of lashes not exceeding thirty-nine, and to leave this state within twenty days ; and it shall be the duty of the sheriff of such county or any constable to whom an order may be delivered by such justice, to inflict such corporeal punishment on such free negro or mulatto ; and if such free negro or mulatto shall not remove from this state within the time aforesaid, or having so removed, shall again return to this state, such free negro or mulatto shall be taken and committed to jail, and sold in the same manner as is directed by law.

4. *Penalty against Captains, &c., of Water Craft for introducing them.* It shall not be lawful for any captain, master, or owner of any vessel, steamboat, flatboat, or other water craft, or for any other person, to introduce or bring into the limits of this state, any free negro or mulatto, as a passenger, or as a cook, mariner, steward, or in any other capacity ; and if any captain, master, or owner of such vessel, steamboat, flat or other water craft, or any other person, shall bring or introduce into this state any free negro or mulatto, every such person shall, for the first offence, be indicted therefor, and on conviction, be fined in a sum not exceeding five hundred dollars, and for the second offence, shall be fined in the sum of one thousand dollars, and be imprisoned for any term of time not exceeding six months.

5. *Duty of Sheriffs, &c., in such case.* It shall be the duty of any sheriff or constable within this state, who may be informed, or believes that any negro or mulatto, landing or coming into his county, is a free negro or mulatto, unlawfully within this state, to seize such negro or mulatto and carry the same before some justice of the peace of his county, to be dealt with according to the provisions of this Act, or the several laws now in force against free negroes and mulattoes ; unless the owner or master of such negro or mulatto, or the person having the custody, care, or control of such negro or mulatto shall make oath before some justice of the peace, or before such sheriff or constable, which oath such sheriff or constable is hereby authorized, and upon the request of such master, owner, or other person, required to administer, that such negro or mulatto is a slave ; and if any person making such oath shall swear falsely, he shall be deemed and held guilty of perjury, and, upon conviction thereof, shall be imprisoned in the penitentiary of this state for a term of not less than five nor more than ten years.

6. *Allowance to Sheriff, &c., under this Act—Penalty for his Neglect.* Sheriffs, jailors, and constables, and other officers, shall receive for the services required of them by this Act, to be paid out of the county treasury, upon the order of the board of police of their county, such fees as the said police may

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order or allow; and any sheriff, jailor, or constable, or other officer, who shall fail or refuse to discharge any of the duties required of him by this Act, shall, for every such failure and refusal, forfeit and pay to the state the sum of one hundred dollars, to be recovered by action of debt in the name of the state, or by motion for the use of the state, in any court having cognizance thereof. See a. 19.

7. *Not over Six to be quartered beyond a Mile from Owner's Residence.* From and after the first day of May next, it shall not be lawful for any person, being the owner or employer of any such slaves, to keep or suffer any such slaves, exceeding six in number, to be quartered or to reside at any distance greater than one mile from the residence of such person, unless such person shall keep and employ with such slaves, as an overseer, a white male person capable of performing patrol duty.

8. *How quartered in a Town.* It shall not be lawful for any person, being the owner or employer, or having the care or control of any slave or slaves, after the first day of May next, to permit or suffer any such slave or slaves to reside or be quartered in any lot or in any house in any incorporated town or city in this state, unless such lot is immediately connected with the lot upon which is the usual dwelling house and residence of such person, or unless the house upon which such slaves reside, or are quartered, is upon such lot.

9. *Penalty for Violation of 7th and 8th Sections.* Any person who shall offend against either of the two last preceding sections of this Act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than five hundred dollars, nor exceeding one thousand dollars.

10. *Act given in charge to Grand Jury.* The judges of the Circuit Courts shall give the three last preceding sections of this Act in charge to the grand jury at each term of the Circuit Courts by them holden.

11. *Not Lawful to Emancipate by last Will—In Cases heretofore with Provisos.* Hereafter it shall not be lawful for any person, by last will or testament, to make any devise or bequest of any slave or slaves for the purpose of emancipation, or to direct that any slave or slaves shall be removed from this state for the purpose of emancipation elsewhere; and in all cases of will heretofore made and admitted to Probate within this state, whereby any slaves have been directed to be removed from this state for the purposes of emancipation elsewhere, or whereby any slave or slaves have been devised or bequeathed in secret trust for such purpose, unless such slaves shall be removed from this state within one year after the passage of this Act, it shall not be lawful for the executor or executors of such last will or testament, or the person or persons having possession of such slave or slaves, under the provisions of such will, so to remove such slave or slaves; but the same shall descend to, and be distributed amongst, the heirs at law of the testator, or be otherwise disposed of according to law, in the same manner as if such testator had died intestate: *Provided, however,* That if such executor or other person having such possession, shall be prevented or restrained within the said time of one year from such removal by injunction or other legal process, or otherwise, the time during which such restraint shall continue or exist, shall not be taken or computed as any part of the said time of one year: *And provided, further,* That it shall be competent for any person or persons, being the owner of any slave or slaves, by last will and testament, to direct his, her, or their executor or executors, to emancipate any such slave or slaves, for meritorious services rendered to his, her, or their owner or owners, upon such conditions as shall be prescribed by the legislature of the state, to which such last

will and testament shall be referred for approval before any such devise, bequest, or direction shall be carried into effect.

ART. 18. *Act of July 25, 1843 . . 109.*

The first and second sections gave to the Board of Police of Warren and Adams, the power to license certain free persons of color to reside in Vicksburgh and Natchez on proof of good character, and that a majority of the citizens desired it—reserving to the Board the power of expulsion—then followed,

§ 3. *Like Power to Boards generally.* The Board of Police of any of the counties in this state shall have the same powers and privileges in relation to free persons of color residing within their respective counties, as are conferred by this Act on the police courts of the counties of Warren and Adams: *Provided,* That said Boards of Police shall not have the power to grant license to any free negroes or mulattoes that are not residents of the state at this time.

ART. 19. *An Act to Amend the Sixth Section of an Act entitled an Act to Amend the several Acts of the State Relating to Free Negroes and Mulattoes—Feb. 23, 1844.*

Allowances to Sheriff, Jailor, or Constable. The sixth section of an Act entitled an Act to amend the several Acts of this state in relation to free negroes and mulattoes, approved February the 28th, 1842, be so enlarged and construed as to authorize the Boards of Police of the several counties in this state to make the same allowance to sheriffs, jailors, and constables, of fees for services rendered under the several Acts to which said Act is an amendment, as they are authorized to allow for services rendered by such officers under said amended Act by said sixth section.

ART. 20. *An Act to Secure to the Owners of Slaves executed by Sentence of Law, Compensation for the same—Feb. 18, 1846.*

§ 1. *Half Value of Condemned Slave paid to Owner by State.* One half of the value of any slave or slaves hereafter condemned to die, by the sentence of any court of competent jurisdiction within this state, and who shall suffer death accordingly, shall be paid to the owner out of the State Treasury.

Repealed, as to non-resident owners, by a. 24.

2. *Value of such Slave, how found.* Before any judge of this state shall pass sentence of death upon any slave found guilty of capital crime, by the verdict of a jury, such judge shall cause the sheriff of the county in which such slave was found guilty, to summons five slave-holders to appear in court at the time specified in said summons, which said slave-holders, or any three of them, shall then and there find the value of such slave, so condemned and to be sentenced, and shall certify the same under their hands and seals to said court.

3. *Copy of Valuation, &c., to be presented to Auditor.* A copy of the certificate of the value so fixed by said slave-holders, as aforesaid, certified by the clerk of the court to which it was returned, together with an endorsement thereon of the sheriff of the county, that the slave mentioned therein has been duly executed according to the judgment and sentence of the court, on presentation to the Auditor of Public Accounts, shall authorize him to issue his warrant on the Treasurer in favor of the person or persons entitled to the same, for one half the value so found of said slave, to be paid out of any money in the Treasury, not otherwise appropriated.