IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

KNIFE RIGHTS INC., *et al.*, Plaintiffs, v. MERRICK GARLAND, *et al.*, Defendants.	Civil Action No. 4:24-cv-926-P

DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Defendants' hereby respond to Plaintiffs' Motion for Summary Judgment and request that it be denied for the reasons set forth in the accompanying brief, which contains the materials required by Local Civil Rules 56.4 and 56.5.

Dated: January 10, 2025

Respectfully submitted,

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DEFENDANTS' MOTION TO DISMISS

For the reasons provided in the accompanying brief, Defendants hereby move pursuant to Federal Rule of Civil Procedure 12(b)(1) and (6) to dismiss this action in its entirety.

Dated: January 10, 2025

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CONSOLIDATED BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS AND RESPONSE TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

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INTRODUCTION

The Federal Switchblade Act of 1958 contains two provisions that restrict switchblades: 15 U.S.C. §§ 1242 and 1243. Section 1242 prohibits the distribution of switchblades in interstate commerce. Section 1243 prohibits possession of switchblades in certain areas, including federal and tribal land. Plaintiffs have not been prosecuted under either provision; to the contrary, there have been no prosecutions under Section 1242 since 2010, and no prosecutions under Section 1243 since at least 2004. Plaintiffs nevertheless seek to invalidate both provisions in this pre-enforcement facial challenge. In doing so, they seek to revive a challenge to the Federal Switchblade Act that was dismissed last year by Judge O'Connor, who held that Plaintiffs lacked standing. The same fatal flaw exists here. The individual plaintiffs have not shown that they are likely to face prosecution under a statute that has gone unenforced for more than a decade. Nor has the organizational plaintiff shown any cognizable injury, since organizations do not acquire standing simply by spending time or money to oppose a statute they dislike. Plaintiffs lack standing, and this redux case should be dismissed on that basis alone.

Even if Plaintiffs had standing, they fail to state a claim because they do not show that either statutory provision implicates the Second Amendment. Plaintiffs have not established that Section 1242's prohibition on the interstate sale of switchblades interferes with their ability to "keep and bear" arms, since they have not demonstrated that this provision interferes with their ability to acquire a switchblade from vendors available in their states. Nor is a switchblade the kind of "arm" protected in the Second Amendment, which does not apply to dangerous and unusual weapons. And even if the Second Amendment were implicated, the Federal Switchblade Act would still be constitutional because it comports with the principles underlying the longstanding

historical tradition of regulating bladed weapons, the commercial sale of arms, and the possession of arms in sensitive places.

Plaintiffs' Motion for Summary Judgment should be denied, and Defendants' Motion to Dismiss should be granted.

BACKGROUND

The Federal Switchblade Act of 1958 was the result of an extensive investigation by the then-Senate Subcommittee on Juvenile Delinquency.[1] Established in 1953, the Subcommittee sought to address various issues that were believed to be contributing to an increase in juvenile crime and delinquency. *See, e.g.,* S. Rep. No. 85-1429 (1958) ("Senate Report"), https://perma.cc/A77X-88Y3; *see also* John P. Murray, *Children and Television Violence, Violence Panel Keynote Address*, 4-SPG Kan. J.L. & Pub. Pol'y 7, 7-8 (1995) (noting that the Subcommittee helped "establish[] the model hearing by inviting several panels of experts or interested parties").

As relevant here, the Subcommittee was concerned about whether switchblade knives were "falling into the hands of juveniles," how they were being used, and whether existing regulation was "adequate." *Switchblade Knives: Hearing on H.R. 12850 and S. 2558 Before the Committee on Interstate and Foreign Commerce*, 85th Cong. 1 (1958) ("Senate Hearing"). Defined variously as "pushbutton knives" or "automatic opening knives," the switchblades investigated by the Subcommittee generally included knives with quick-deploying blades, most often through pushing a button or switch, or where release of the blade was accomplished by other "automatic" means, namely other than the use of physical effort to remove the blade itself. *Id.* at 1-2; *see also id*. at 7

[1] The full title of the law is "An Act to Prohibit the Introduction, or Manufacture for Introduction, into Interstate Commerce of Switchblade Knives, and for Other Purposes." Pub. L. No. 85-623, 72 Stat. 562 (1958). Hereinafter the law is referred to as the "Federal Switchblade Act."

(describing New York law barring knives that "operated mechanically due to spring pressure" and those used "by a flip of the wrist").

The Subcommittee conducted an extensive study into these matters, and the results were striking. A large number of switchblades were being manufactured or imported and sold in the United States, and a significant proportion of these were being purchased by juveniles. Senate Report at 6 (describing Subcommittee survey responses showing that 75 percent of purchasers of mail-order switchblades were under 20 years of age and "only a small portion claimed that the knives were secured for a constructive purpose").

While many states and localities had enacted restrictions on the possession or sale of switchblades, the Subcommittee found that such knives were being "widely distributed through the mail," effectively "circumvent[ing]" local controls. *Id*. Juveniles were accordingly able to regularly use switchblades to commit crimes. *See id.* (noting that 43.2 percent of robberies committed in 1956 were by persons under 21 years of age, and the "switchblade knife is frequently part of the perpetrator's equipment in this type of crime"); *see also id.* (explaining that in 1956, New York City saw a 92.1 percent increase in those under 16 arrested for possession of dangerous weapons, "one of the most common of which is the switchblade knife").

The Subcommittee surveyed "police chiefs from all sizable communities" as to proposed legislation, and with "few exceptions" they "uniformly supported the enactment of legislation prohibiting interstate traffic in [switchblades]." *Id*. at 7; *see also* Senate Hearing at 2-4 (quoting from chiefs of police in Texas, Massachusetts, California, and Minnesota). Police departments broadly favored federal legislation that would "control such weapons getting into the hands of teenagers," given their "continual[]" experience in finding juveniles with knives "obtained . . . through mail order advertisements." *Id*. at 4. While some advocated for a more total ban on the

possession of switchblades, *see id.*, the Subcommittee made clear that they were not proposing such a law. *See id*. at 22 (statement of Senator Butler, noting that the bill did not "legislate on possession, that is a State and local matter").

The result of the Subcommittee's investigation and hearings was the Federal Switchblade Act of 1958. *See* Pub. L. No. 85-623 (codified at 15 U.S.C. §§ 1241-1245). The law defines "switchblade knive[s]" as those that "open[] automatically," either through a "button or other device in the handle of the knife" or "by operation of inertia, gravity, or both," such as through the motion of the wrist. 15 U.S.C. § 1241(b).

As amended, the law contains two provisions regarding switchblades.[2] The first states that "[w]hoever knowingly introduces, or manufactures for introduction, into interstate commerce, or transports or distributes in interstate commerce, any switchblade knife, shall be fined not more than $2,000 or imprisoned not more than five years, or both." *Id.* § 1242. In other words, Section 1242 prohibits the distribution of switchblades only in the context of interstate commerce; it does not cover intrastate distribution of these knives.[3]

The second provision states that "[w]hoever, within any Territory or possession of the United States, within Indian country . . . or within the special maritime and territorial jurisdiction of the United States . . . manufactures, sells, or possesses any switchblade knife, shall be fined not more than $2,000 or imprisoned not more than five years, or both." *Id*. § 1243. Unlike the

[2] The statute also features a provision that places restrictions on "ballistic knives," which are knives "with a detachable blade that is propelled by a spring-operated mechanism." 15 U.S.C. § 1245(d). Plaintiffs have not challenged this provision. *See* Compl. ¶ 21, ECF No. 1.

[3] The statute defines "interstate commerce" as including the sale of switchblades from outside the United States. *See* 15 U.S.C. § 1241. Plaintiffs do not challenge Section 1242's restrictions on importing switchblades into the country. *See* Compl. ¶ 101 n.1.

preceding provision, Section 1243 broadly prohibits the possession, manufacture, and sale of switchblades, but the provision only applies on federal and tribal territory.

Sections 1242 and 1243 of the Federal Switchblade Act have not been enforced for more than a decade. According to data compiled by the Executive Office for United States Attorneys, there have been no prosecutions under § 1242 since 2010, and there have been no prosecutions under § 1243 since at least 2004. *See* Decl. of Matthew Zabkiewicz ¶ 5, attached as Exhibit 1 ("Zabkiewicz Decl.").

In June 2023, Plaintiffs Knife Rights, Inc., Russell Arnold, and Jeffrey Folloder (along with two companies owned by the individual plaintiffs) filed a pre-enforcement facial challenge against Section 1242 of the Federal Switchblade Act, alleging that the provision violated the Second Amendment. Judge O'Connor dismissed this challenge in June 2024, finding that the plaintiffs lacked standing. *See Knife Rts., Inc. v. Garland*, No. 4:23-cv-00547-O, 2024 WL 2819521 (N.D. Tex. June 3, 2024). The same plaintiffs—along with three additional individual plaintiffs—brought the current case on September 27, 2024, challenging both Section 1242 and Section 1243. *See* Compl. On December 6, 2024, Plaintiffs moved for summary judgment on their sole claim, under the Second Amendment. Defendants now cross-move to dismiss the Complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure.

STANDARD OF REVIEW

"Motions filed under Rule 12(b)(1) of the Federal Rules of Civil Procedure allow a party to challenge the subject matter jurisdiction of the district court to hear a case." *Ramming v. United States*, 281 F.3d 158, 161 (5th Cir. 2001) (citation omitted). "[I]n examining a Rule 12(b)(1) motion, a district court is empowered to find facts as necessary to determine whether it has jurisdiction." *Machete Prods., LLC v. Page*, 809 F.3d 281, 287 (5th Cir. 2015) (citation omitted).

Accordingly, "the district court may consider evidence outside the pleadings and resolve factual disputes." *In re Compl. of RLB Contracting, Inc.*, 773 F.3d 596, 601 (5th Cir. 2014).

"To survive a Rule 12(b)(6) motion to dismiss, the plaintiff must plead enough facts to state a claim to relief that is plausible on its face." *Reliable Consultants, Inc. v. Earle*, 517 F.3d 738, 742 (5th Cir. 2008) (citation and internal quotation marks omitted). "While well-pleaded facts of a complaint are to be accepted as true, legal conclusions are not 'entitled to the assumption of truth.'" *Bailey v. Mansfield Indep. Sch. Dist.*, 425 F. Supp. 3d 696, 712 (N.D. Tex. 2019) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009)).

Regarding Plaintiffs' Motion for Summary Judgment, summary judgment is appropriate under Rule 56 if a "movant shows that there is no genuine dispute as to any material fact and that the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). To establish a "genuine" dispute, there must be sufficient evidence that a reasonable factfinder could return a verdict for the non-movant. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 254 (1986).

ARGUMENT

I. Plaintiffs Lack Standing

Plaintiffs lack standing to challenge either Section 1242 or 1243 of the Switchblade Act. As the party invoking federal jurisdiction, Plaintiffs bear the burden of establishing that they have standing. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992). They must accordingly show that they "have (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision." *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016). Plaintiffs' burden is "especially rigorous" given that they request the constitutional invalidation of a federal statute. *Crane v. Johnson*, 783 F.3d 244, 251

(5th Cir. 2015). Plaintiffs fail to meet that burden, since they fail to show that the individual plaintiffs, retail plaintiffs, or organizational plaintiff has suffered a cognizable injury.

A. The Individual Plaintiffs Lack Standing

The individual plaintiffs in this case are Plaintiffs Russell Gordon Arnold, Jeffrey Folloder, Evan Kaufmann, Adam Warden, and Rodney Shedd. None of these individuals have faced prosecution under Sections 1242 or 1243 of the Federal Switchblade Act. They instead assert that they have standing to launch a pre-enforcement facial challenge against both provisions, based on their fear of being prosecuted under either of them. *See* Decl. of Pl. Russell Gordon Arnold ¶ 7, ECF No. 18, KR-08 ("Arnold Decl."); Decl. of Pl. Jeffrey E. Folloder ¶¶ 3, 16 ECF No. 18, KR-14, 17 ("Folloder Decl."); Decl. of Pl. Evan Kaufmann, ¶¶ 14, 15 ECF No. 18, KR-46 ("Kaufmann Decl."); Decl. of Pl. Adam Warden, ¶¶ 14, 15 ECF No. 18, KR-52 ("Warden Decl."); Decl. of Pl. Rodney Shedd, ¶¶ 6, 9 ECF No. 18, KR-57-58 ("Shedd Decl.").

There is no "unqualified right to pre-enforcement review of constitutional claims in federal court." *Whole Woman's Health v. Jackson*, 595 U.S. 30, 49 (2021). And a mere "chilling effect" on a plaintiff, whereby the individual refrains from certain activity, is "insufficient to justify federal intervention in a pre-enforcement suit." *Id.* at 50 (citation and internal quotation marks omitted). Instead, Plaintiffs must establish a "concrete injury." *Id*. To establish kind of injury, the individual plaintiffs must show (1) that they have "an intention to engage in a course of conduct arguably affected with a constitutional interest," (2) that their "intended future conduct is arguably proscribed by the policy in question," and (3) that "the threat of future enforcement of the challenged policies is substantial." *Speech First, Inc. v. Fenves*, 979 F.3d 319, 330 (5th Cir. 2020) (cleaned up). Even assuming that the individual plaintiffs have established the first two prongs of

that test, they fail to establish standing because they have not shown that there is a substantial likelihood that they will face prosecution under either Section 1242 or 1243.

As the Fifth Circuit recently made clear, litigants fail to establish a substantial threat of enforcement where they fail to show "any imminent or even credible threat of prosecution" under a statute, such as where the litigants "have never been arrested or prosecuted for violating" the statute and the evidence suggests that the statute has gone unenforced. *Nat'l Press Photographers Ass'n v. McCraw*, 90 F.4th 770, 782-83 (5th Cir. 2024). Instead, to establish a substantial threat of enforcement, litigants generally must show a recent history of enforcement by the government or a recent action by the government that gives the litigants a credible fear that the statute will be enforced against them. For instance, a substantial threat may arise where an agency has brought a recent enforcement action, one which serves as a "clear shot across the bow" against potential violators. *See Braidwood Mgmt., Inc. v. Equal Emp. Opportunity Comm'n*, 70 F.4th 914, 927 (5th Cir. 2023). A substantial threat may also arise where a "statute has already been enforced against a plaintiff," or where an agency has "issued an advisory opinion on the relevant statute's meaning, intended enforcement, and recently enforced the statute against another party." *Joint Heirs Fellowship Church v. Akin*, 629 F. App'x 627, 631 (5th Cir. 2015).[4] None of these circumstances are present here.

The individual plaintiffs do not allege that they have been threatened with prosecution under either statutory provision, or that a recent prosecution has given them a credible fear of being

[4] When a litigant brings a pre-enforcement challenge under the Free Speech Clause of the First Amendment, courts "may assume a substantial threat of future enforcement absent compelling contrary evidence." *McCraw*, 90 F.4th at 782 (citation and emphasis omitted). But this assumption does not apply in cases outside the First Amendment context. *See id.*; *see also Tex. State LULAC v. Elfant*, 52 F.4th 248, 257 (5th Cir. 2022).

prosecuted themselves. They instead simply assert that they fear being prosecuted under the Federal Switchblade Act, and that this fear has kept them from distributing switchblades within interstate commerce or carrying switchblades within federal or tribal lands. *See, e.g.*, Arnold Decl. ¶ 7, KR-08 ("I am ready, willing, and able to purchase and sell automatic opening knives, and the only thing stopping me is my fear of prosecution for violating Sections 1242 and 1243 . . . ."); Kaufmann Decl. ¶ 14, KR-46 (alleging that Plaintiff Kaufmann declined to purchase a particular knife because of his "fear of being in violation of the Federal Switchblade Act and subject to criminal prosecution"); Shedd Decl. ¶ 6, KR-58 (alleging that Plaintiff Shedd chose not to bring his switchblade to a new residence on tribal land in Oklahoma due to his "fear of being in violation of the Federal Switchblade Act and subject to criminal prosecution and severe criminal penalties").

These allegations boil down to a general fear of prosecution under the statute. But "a general fear of prosecution cannot substitute for the presence of an imminent, non-speculative irreparable injury." *Braidwood Mgmt., Inc.*, 70 F.4th at 926 (citation omitted). Nor is the general fear of prosecution transformed into an injury because Plaintiffs refrain from engaging in certain conduct. *See McCraw*, 90 F.4th at 782-83 (finding no standing for a pre-enforcement challenge under the Due Process Clause even though the plaintiffs had alleged that they had restricted their activities in response to the statute at issue). If it were otherwise, then the requirement that a party face a substantial likelihood of enforcement would be no requirement at all. Parties could establish standing to challenge a law they disliked merely by stating that they were comporting with that law.

The individual plaintiffs' fail to provide any evidence regarding the basis for why these specific individuals face a substantial risk of prosecution under either of the challenged provisions of the Federal Switchblade Act. And that evidence is missing for a reason. As far as Defendants

are aware, there has not been a single prosecution brought under Section 1242 since 2010, nor has there been a single prosecution brought under Section 1243 since at least 2004, the farthest back the data is available. *See* Zabkiewicz Decl. ¶ 5; *see also* Paul A. Clark, *Criminal Use of Switchblades: Will the Recent Trend Towards Legalization Lead to Bloodshed?*, 13 Conn. Pub. Int. L.J. 219, 242 (2014) ("There are only a handful of recorded prosecutions, despite reports of widespread distribution."). As Judge O'Connor recognized in dismissing Plaintiffs' previous pre-enforcement challenge to Section 1242, the absence of enforcement renders this new challenge "a mere hypothetical dispute lacking the concreteness and imminence required by Article III." *Knife Rts., Inc.*, 2024 WL 2819521, at *3 (quoting *McCraw*, 90 F.4th at 782).[5]

In an attempt to escape this conclusion, Plaintiffs indicate that "the Federal Switchblade Act is in effect, active, and subject to enforcement" because the government brought a limited number of prosecutions under Section 1242 more than a decade ago. Compl. ¶ 12; *see also* Zabkiewicz Decl. ¶ 5 (noting that four prosecutions under Section 1242 were recorded for the entire nation between 2004 and 2010). In addition to being sparse and dated, this prior enforcement activity is immaterial because it does not bear on the risk that these specific individuals face regarding any prospective prosecution under Section 1242. Plaintiffs cannot demonstrate a substantial risk of enforcement merely by noting that the statutory provision has been enforced a few times in its history; they must instead provide some basis to believe that they face a credible,

[5] Case law from outside the Fifth Circuit has similarly emphasized the lack of a substantial threat of enforcement where a statute has gone unenforced for long stretches of time. *See Conant v. McCaffrey*, No. C 97-00139 WHA, 2000 WL 1281174, at *9 (N.D. Cal. Sept. 7, 2000) (finding a lack of enforcement where the statute at issue had been "very rarely enforced, for a period of years or decades"), *aff'd sub nom. Conant v. Walters*, 309 F.3d 629 (9th Cir. 2002); *Seegars v. Gonzales*, 396 F.3d 1248, 1252 (D.C. Cir. 2005) ("Evidence that the challenged law is rarely if ever enforced, for example, may be enough to defeat an assertion that a credible threat exists."); *Little v. Strange*, 796 F. Supp. 2d 1314, 1332 n.9 (M.D. Ala. 2011) (holding no credible threat of enforcement given "the long history of non-enforcement, with no inkling that history is soon to change course").

individualized risk of enforcement. *See Hobby Distillers Ass'n v. Alcohol & Tobacco Tax & Trade Bureau*, ---F. Supp. 3d---, 2024 WL 3357841, at *4 (N.D. Tex. July 10, 2024) (Pittman, J.) (noting that the absence of a showing of individualized threat of prosecution defeats standing for a pre-enforcement challenge); *Paxton v. Restaino*, 683 F. Supp. 3d 565, 569 (N.D. Tex. 2023) (Pittman, J.) (highlighting that "a history of prosecuting" the offense at issue does not establish an individualized risk of prosecution, and that the absence of such an individualized risk renders plaintiffs' concern about enforcement "imaginary or speculative at best—and insufficient for Article III standing" (citation and internal quotation marks omitted)), *aff'd sub nom. Paxton v. Dettelbach*, 105 F.4th 708 (5th Cir. 2024).

The most specific allegation that Plaintiffs offer regarding a previous prosecution is their repeated reference to a case brought against Sypderco, Inc. in April 2007. In that case, a knife manufacturer was charged with unlawfully importing butterfly knives into the United States. *See United States v. Spyderco, Inc.*, No. 4:07-cr-00203-WDB (N.D. Cal.), KR-809. The manufacturer subsequently entered into a plea agreement in which it agreed to several provisions, including that it would take measures to avoid distributing switchblades in violation of the Federal Switchblade Act. *See id.* at KR-817. But this case was not brought under the Federal Switchblade Act; it was brought instead under an entirely different statute, 18 U.S.C. § 1716(g), which prohibits the mailing of certain knives. *See id.* Nothing about this prosecution—which was brought nearly two decades ago—suggests that the individual plaintiffs are substantially likely to be charged under a statute that was not used to charge Sypderco itself.

The Complaint also references a March 2024 notice issued by U.S. Customs and Border Protection, which concerns "[t]raveling with [a] personal knife/switchblade/sword into the United States." *See* U.S. Customs and Border Protection, *Knowledge Article No. 1123* (March 7, 2024),

https://perma.cc/PPF4-9RBY. The notice notifies travelers that taking a switchblade "into the United States" is "prohibited" and that such knives "may be subject to seizure." *Id.* But this notice concerns the Federal Switchblade Act's ban on importing switchblades into the United States, which Plaintiffs have not challenged. It has not been issued by the Department of Justice, which is responsible for enforcing the criminal provisions of the Federal Switchblade Act, nor does it bear on whether these specific individuals are likely to face prosecution under either Section 1242 or 1243.

The individual plaintiffs have accordingly provided no basis to establish that they face a substantial likelihood of enforcement under the Federal Switchblade Act. This conclusion is particularly warranted regarding Plaintiffs' challenge to Section 1243, since the Fifth Circuit has made clear that plaintiffs lack standing to challenge a statutory provision when they fail to provide evidence that the provision has ever been enforced against them or others. *McCraw*, 90 F.4th at 782. The individual plaintiffs' failure to show "any imminent or even credible threat of prosecution" under the Federal Switchblade Act is fatal to their standing to challenge it. *Id.*[6]

B. The Retail Plaintiffs Lack Standing

The retail plaintiffs in this case are Plaintiff RGA Auction Services LLC, which is owned by Plaintiff Arnold, and Plaintiff MOD Specialties, which is owned by Plaintiff Folloder. These two businesses offer various firearms and knives for sale, and Plaintiffs Arnold and Folloder claim that both would sell switchblades but for the fear of being prosecuted under the Federal Switchblade Act. In making these claims, Plaintiffs indicate that the retail plaintiffs have standing to assert a purported injury on behalf of the *customers* of their respective businesses. *See* Arnold

[6] The speculative chance of any future enforcement action also shows Plaintiffs' claims to be unripe. *See Walmart Inc. v. U.S. Dep't of Just.*, 21 F.4th 300, 313 (5th Cir. 2021).

Decl. ¶ 10, KR-09 ("My right to pursue the Second Amendment claim in this case through my business derives from my actual and prospective customers, all of whom have a corollary right to keep and bear bladed arms for self-defense and other lawful purposes. . . ."); Folloder Decl. ¶ 9, KR-16 (same). But none of the customers are a party to this case, and Plaintiffs fail to establish third-party standing on the customers' behalf.

The doctrine of third-party standing creates a narrow exception to the general rule that a party "generally must assert his own legal rights and interests, and cannot rest his claim to relief on the legal rights or interests of third parties." *Kowalski v. Tesmer*, 543 U.S. 125, 129 (2004) (citation omitted). Third-party standing requires a litigant to (1) show that it suffered an injury-in-fact in the first instance, (2) demonstrate a "close" relationship with the third party, and (3) identify a "hindrance" to the third party's ability to protect his own interests. *Def. Distributed v. U.S. Dep't of State*, 121 F. Supp. 3d 680, 697 (W.D. Tex. 2015) (applying the test in the Second Amendment context), *aff'd*, 838 F.3d 451 (5th Cir. 2016). Plaintiffs fail to satisfy each of these requirements.

First, as explained above, Plaintiffs are unable to show that they have incurred any injury in fact, which defeats third-party standing at the outset. *See Grambling Univ. Nat'l. Alumni Ass'n v. Bd. of Supervisors for La. Sys.*, 286 F. App'x 864, 871 (5th Cir. 2008) (explaining that third-party standing requires the named plaintiff to "show that it has suffered an injury in fact"); *Lopez v. Candaele*, 630 F.3d 775, 792 (9th Cir. 2010) ("Plaintiffs who have suffered no injury themselves cannot invoke federal jurisdiction by pointing to an injury incurred only by third parties."); *Matthews v. Ahmed*, No. 1:18-cv-9, 2021 WL 220104, at *3 (E.D. Tex. Jan. 4, 2021) (holding no third-party standing in part because the named plaintiff had "not shown he has suffered any injury in fact").

Second, Plaintiffs fail to show a close relationship with their referenced customers. The retail plaintiffs purport to bring suit on behalf of their "customers, and would-be customers," who seek to purchase switchblades within interstate commerce and possess them on federal and tribal lands. Arnold Decl. ¶ 12, KR-10. But Plaintiffs offer no further detail regarding the customers that have allegedly been injured by the individual plaintiffs' fear of enforcement. Third-party standing is absent where, as here, Plaintiffs provide no evidence that the relevant third parties actually exist or are likely to exist in the future. *See, e.g., Holland v. Rosen*, 895 F.3d 272, 287 (3d Cir. 2018) (rejecting standing because plaintiff "has no relationship, let alone a close relationship, with potential criminal defendant-customers"); *Ams. for Immigrant Just. v. U.S. Dep't of Homeland Sec.*, No. 22-cv-3118 (CKK), 2023 WL 1438376, at *10 (D.D.C. Feb. 1, 2023) ("[T]he Court must assure itself that *some* relationship exists lest the Court veer into constitutional decision-making unnecessarily."); *Bernard Gelb v. Fed. Rsrv. Bank of N.Y.*, No. 1:12-cv-4880 (ALC), 2016 WL 4532193, at *3 (S.D.N.Y. Aug. 29, 2016) ("Whereas an existing relationship between a vendor and a customer may support third-party standing, a 'future' or 'hypothetical' relationship does not.").

Finally, Plaintiffs have not shown that any injured customers are hindered in bringing their own suit. *See Def. Distributed*, 121 F. Supp. 3d at 697 (casting doubt on third-party standing where "Plaintiffs do not explain how visitors to Defense Distributed's website are hindered in their ability to protect their own interests"). Plaintiffs do not allege that there is some impediment that prevents the customers from bringing a claim on their own behalf. Without even a plausible theory on this point, Plaintiffs cannot carry their burden to demonstrate third-party standing. *See, e.g., Nw. Immigrant Rts. Project v. U.S. Citizenship & Immigr. Servs.*, 325 F.R.D. 671, 689 (W.D. Wash. 2016) ("Organizational Plaintiffs' clients are not sufficiently hindered in their ability to

protect their own interests."); *R.S.S.W., Inc. v. City of Keego Harbor*, 56 F. Supp. 2d 798, 806 (E.D. Mich. 1999) ("Plaintiffs have *not* shown that customers are truly hindered from protecting their own interests"); *Haibo Jiang v. Town of Tonawanda*, No. 15-cv-898-A, 2018 WL 3215575, at *2 (W.D.N.Y. July 2, 2018) (holding no standing where "Plaintiff has not asserted that 'there is a 'hinderance'" to his customers' ability to protect their own right to equal protection" (quoting *Kowalski*, 543 U.S. at 130)).

C. The Organizational Plaintiff Lacks Standing

The remaining plaintiff is Knife Rights, Inc.—an advocacy organization that describes its mission as serving "to defend and advance the right to keep and bear bladed arms." Compl. ¶ 24. Plaintiffs assert that Knife Rights itself has standing. To establish standing for the organization, Plaintiffs must show that Knife Rights has associational standing via its members, or that it has organizational standing via an independent injury to the organization itself. *OCA-Greater Hous. v. Texas*, 867 F.3d 604, 610 (5th Cir. 2017). Neither associational nor organizational standing has been shown here.

Associational standing requires Knife Rights to show that "(a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit." *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 199 (2023) (quoting *Hunt v. Wash. State Apple Advert. Comm'n*, 432 U.S.333, 343 (1977)). But the individual plaintiffs who are members of Knife Rights lack standing, as noted above. And Plaintiffs' vague pronouncement that "Knife Rights members have been subject to enforcement under the FSA in recent time[s]" is insufficient to establish that any identifiable member has been subject to or threatened with enforcement. Decl.

of Doug Ritter ¶ 29, ECF No. 18, KR-10 ("Ritter Decl."). *See Children's Health Def. v. Food & Drug Admin*., 650 F. Supp. 3d 547, 556 (W.D. Tex. 2023) (holding that where "the only identified members" of an organization could not show standing, the organization "lack[ed] associational standing"), *aff'd*,. 2024 WL 244938 (5th Cir. Jan. 23, 2024).

Aside from the individual plaintiffs, the only identified member of Knife Rights is Johan Lumsden. Plaintiffs allege that Mr. Lumsden is an active member of Knife Rights who manufactures and sells switchblades. *See* Compl. ¶ 4; Ritter Decl. ¶ 33, KR-29. According to Plaintiff Ritter's declaration and its attachments, Mr. Lumsden's residence was searched by law enforcement in October 2020 for suspected violations of six different statutory provisions—one of which was Section 1242's ban on distributing switchblades in interstate commerce. *See* Ritter Decl. ¶¶ 29-33 & Attachments A and B, KR-29, 33-42. Plaintiffs assert in their Complaint that "Mr. Lumsden was detained, questioned, physically injured, and had valuable property seized," including a collection switchblades and switchblade parts that "was eventually returned in 2023, significantly damaged." Compl. ¶¶ 107-08.

These allegations are insufficiently detailed to establish associational standing. This case is not seeking monetary relief for Mr. Lumsden based on an allegedly unlawful search or seizure; it is a pre-enforcement challenge against a federal statute. That requires Knife Rights to show that Mr. Lumsden faces a substantial risk of enforcement under either of the challenged provisions. But Plaintiffs fail to provide the kind of details necessary to make this showing regarding Mr. Lumsden, who is not a party to this case and has not submitted a declaration. Basic questions remain unanswered, including whether Mr. Lumsden intends to violate the Federal Switchblade Act in the future (which Plaintiffs must establish to have standing in a pre-enforcement challenge)

and whether he faces a substantial risk of prosecution under Section 1243 (which was not one of the statutory provisions listed in the search warrant attached to Plaintiff Ritter's declaration).

The details that have been provided do not establish standing. Plaintiffs acknowledge that Mr. Lumsden has not been prosecuted under the Federal Switchblade Act following the search of his residence in October 2020. Compl. ¶ 108. They assert that "Mr. Lumsden still lives under a cloud of possible enforcement/prosecution," *id.*, but they do not include any further factual allegations that would corroborate why Mr. Lumsden would face a substantial likelihood of enforcement stemming from a search that took place more than four years ago. To the contrary, the Complaint alleges that Mr. Lumsden's inventory of switchblades was returned by law enforcement in 2023. *Id.* Such a step would likely be inconsistent with any imminent prosecution regarding these switchblades. The allegations regarding Mr. Lumsden are insufficient to establish associational standing, particularly given the "especially rigorous" standing inquiry that is required before reaching the merits of a constitutional challenge to a federal statute. *Crane*, 783 F.3d at 251.

Knife Rights likewise lacks organizational standing. To establish an injury sufficient to confer organizational standing, Knife Rights must show that its "ability to pursue its mission is perceptibly impaired because it has diverted significant resources to counteract the defendant's conduct." *La. Fair Hous. Action Ctr., Inc. v. Azalea Garden Props., L.L.C.*, 82 F.4th 345, 351 (5th Cir. 2023) (cleaned up). This requirement is not synonymous with merely spending money or time to oppose a disfavored policy. As the Supreme Court recently made clear, "an organization that has not suffered a concrete injury caused by a defendant's action cannot spend its way into standing simply by expending money to gather information and advocate against the defendant's action. An organization cannot manufacture its own standing in that way." *Food & Drug Admin. v. All.*

for Hippocratic Med., 602 U.S. 367, 394 (2024). That holding squarely defeats any argument for organizational standing here.

Knife Rights' case for organizational standing appears to rest entirely upon the kind of expenditures that the Supreme Court found insufficient in *Food & Drug Admin*. *See* Ritter Decl. ¶ 17, KR-26 (indicating that Knife Rights' asserted injury arises from the "extraordinary expenditures of time, effort, and cost on litigation matters," which "place[] a real, concrete drain on Knife Rights' resources, particularly the funds relied upon from our member contributions to also pursue our other customary political, educational, and legislative efforts"). Plaintiffs provide no further allegations that would support the notion that Knife Rights' advocacy against the Federal Switchblade Act has perceptively impaired its mission. Indeed, knife-related advocacy *is* its mission. *See* Compl. ¶¶ 23-24; *see also Knife Rts., Inc.*, 2024 WL 2819521, at *5 (rejecting Knife Rights' assertion of organizational standing in its previous challenge to the Federal Switchblade Act, and highlighting the lack of "a distinction between the injury claimed by Knife Rights" via its expenditures "and its routine activity of challenging anti-knife bills"). Just like the other plaintiffs, Knife Rights lacks standing.

Of course, Plaintiffs' lack of standing does not mean that they have no recourse in challenging a law that they believe is unwise and unconstitutional. *See United States v. Richardson*, 418 U.S. 166, 179 (1974) ("Lack of standing within the narrow confines of Art. III jurisdiction does not impair the right to assert [a party's] views in the political forum or at the polls."). But "[f]ederal courts do not possess a roving commission to publicly opine on every legal question." *TransUnion LLC v. Ramirez*, 594 U.S. 413, 423 (2021). Since none of the plaintiffs have standing, the Court lacks jurisdiction to hear the case.

II. Plaintiffs Fail to State a Claim

Even if Plaintiffs had standing, the case should be dismissed for failure to state a claim. Under *New York State Rifle & Pistol Ass'n v. Bruen*, the first step in evaluating Plaintiffs' Second Amendment claim is determining whether "the Second Amendment's plain text covers an individual's conduct." 597 U.S. 1, 24 (2022). Plaintiffs bear the burden of showing that the text applies. *Hanson v. Dist. of Columbia*, 120 F.4th 223, 232 (D.C. Cir. 2024); *Rocky Mountain Gun Owners v. Polis*, 121 F.4th 96, 113 (10th Cir. 2024). It is only if the text applies that the analysis proceeds to the second step, in which "[t]he government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation." *Bruen*, 597 U.S. at 24; *see United States v. Rahimi*, 602 U.S. 680, 692 (2024) (explaining that "the appropriate analysis involves considering whether the challenged regulation is consistent with the principles that underpin our regulatory tradition"). Plaintiffs fail to establish that the Federal Switchblade Act implicates the text of the Second Amendment. And even if they could make this showing, they would nonetheless fail to state a claim because the statute comports with the principles underlying the longstanding historical tradition of comparable regulations regarding bladed weapons, commerce over arms, and arms in sensitive places.

A. Plaintiffs Fail to Show that Section 1242 Regulates Conduct Protected by the Second Amendment

The Second Amendment protects "the right of the people to keep and bear Arms." U.S. Const. amend. II. In evaluating Plaintiffs' challenge to Section 1242, the initial textual question is whether the provision's ban on the interstate sale of switchblades implicates the right to "keep and bear" arms. The Fifth Circuit has already answered that question. In *McRorey v. Garland*, the Fifth Circuit held that the plain text of the right to "keep and bear" arms "does not include purchase" of arms. 99 F.4th 831, 838 (5th Cir. 2024) (noting that both the founding-era and

contemporary definitions of the terms "keep" and "bear" did not extend to the conduct of purchasing weapons). This holding followed from the Supreme Court's decision in *District of Columbia v. Heller*, which noted that "the right secured by the Second Amendment is not unlimited" and that it did not "cast doubt" upon a non-exhaustive list of "presumptively lawful regulatory measures," including "laws imposing conditions and qualifications on the commercial sale of arms." 554 U.S. 570, 626-27 & n.26 (2008). The Fifth Circuit further recognized that the Second Amendment is only implicated by measures regulating the sale of arms if the measures are "so burdensome that they act as *de facto* prohibitions on acquisition" of the arm at issue. *McRorey*, 99 F.4th at 838 n.18. Plaintiffs bear the burden of establishing that a regulation regarding the sale of a particular weapon acts as a *de facto* ban on acquiring that weapon; it is only if they make that showing that the burden then shifts to the government to show that the regulation is consistent with historical practice. *See id.* at 838-39 & n.18.

Plaintiffs fail to meet their burden of showing that Section 1242 bars their ability to acquire switchblades. Section 1242 does not broadly prohibit the purchase or possession of switchblades. It instead simply restricts the introduction, manufacture, transportation, or distribution of switchblades "in *interstate commerce*." 15 U.S.C. § 1242 (emphasis added). The most specific factual allegations that the Plaintiffs offer on this point come from Plaintiffs Kaufmann and Warden, who indicate that they tried to purchase particular switchblades from Knifecenter.com in December 2023 but could not do so because the knives would be shipped in interstate commerce. *See* Compl. ¶¶ 65, 77. But neither of these individuals allege that they cannot acquire a switchblade in their own states. To the contrary, Plaintiff Kaufmann lives in Texas and Plaintiff Warden lives in Utah—states in which individuals may lawfully purchase a switchblade. *See id.* ¶¶ 61, 69, 77, 73. They merely allege that Section 1242 prohibits them from buying a switchblade from a website

that appears to be based in another state. Regardless of whether the Second Amendment confers a right to acquire switchblades, it certainly does not encompass the right to acquire switchblades from a particular seller. *See Teixeira v. Cnty. of Alameda*, 873 F.3d 670, 679-80 & n.13 (9th Cir. 2017) (en banc); *see also Gazzola v. Hochul*, 88 F.4th 186, 197-98 (2d Cir. 2023).

Plaintiffs also assert that Section 1242 prevents the plaintiff retailers from acquiring switchblades from distributors, which in turn prevents the retailers from distributing switchblades to their customers. *See* Arnold Decl. ¶¶ 7, 10, KR-08-09. But that assertion does not explain why the retailers are stymied from acquiring switchblades in intrastate distribution, which is not restricted by Section 1242. And Plaintiffs have not alleged that there are discrepancies between the interstate and intrastate markets, or that any such discrepancies would be meaningful. *See United States v. Holton*, 639 F. Supp. 3d 704, 711 (N.D. Tex. 2022) (holding that the interstate ban on guns without a serial number did not infringe upon people's ability to acquire a gun, since they could still acquire those with a serial number). Plaintiffs have thereby failed to state a claim regarding Section 1242 because they have failed to show that the provision interferes with their ability to acquire a switchblade.

B. The Federal Switchblade Act Does Not Implicate the Second Amendment Because Switchblades are Dangerous and Unusual Weapons

Even if Plaintiffs had standing and could show that Section 1242 affected their ability to acquire switchblades, they would nonetheless fail to show that either of the challenged provisions of the Federal Switchblade Act implicate the plain text of the Second Amendment. That is because the "arms" protected under the Second Amendment exclude "weapons not typically possessed by law-abiding citizens for lawful purposes," such as "dangerous and unusual" weapons. *Heller*, 554 U.S. at 625. Plaintiffs bear the burden of demonstrating that a particular weapon is not dangerous and unusual, such that it comes within the ambit of the Second Amendment's reference to "arms."

See Bianchi v. Brown, 111 F.4th 438, 452-53 (4th Cir. 2024) (analyzing whether the particular weapons banned by a Maryland statute constituted "dangerous and unusual weapons" in order to determine whether they were covered by the plain text of the Second Amendment, and finding that the challengers to the statute had failed to make this showing at the first step of the *Bruen* analysis); *see also Hanson*, 120 F.4th at 232 (noting that plaintiffs bear the burden at step one of the *Bruen* analysis); *Rocky Mountain Gun Owners*, 121 F.4th at 113 (same). Under Fifth Circuit precedent, the relevant considerations include whether the weapon has a heightened capacity for danger or is otherwise suited to criminal use, and whether the weapon is widely owned and legal in state and local jurisdictions. *See Hollis v. Lynch*, 827 F.3d 436, 448-51 (5th Cir. 2016).

Switchblades are clearly dangerous weapons that are suited to criminal use. The Fifth Circuit has recognized that it is "settled beyond doubt that a switchblade knife is a dangerous weapon." *Fall v. Esso Standard Oil Co*. 297 F.2d 411, 416-17 (5th Cir. 1961).[7] This is a matter of common sense: A switchblade's defining feature is that its blade is concealed up to the moment it could be used, which enables a criminal to threaten serious injury with the press of a button. *See Crowley Cutlery Co. v. United States*, 849 F.2d 273, 278 (7th Cir. 1988) ("Switchblade knives are more dangerous than regular knives because they are more readily concealable and hence more suitable for criminal use."); *Lacy v. Indiana*, 903 N.E.2d 486, 492 (Ind. Ct. App. 2009) ("[W]e

[7] *Fall* involved a widow's negligence claim against her husband's employer after a fellow employee murdered her husband with a switchblade. The case turned on whether the shipowner was negligent in fulfilling his statutory duty to prevent the carrying of any "dangerous weapon" onboard the vessel. *Fall,* 297 F.2d at 414-15. The Fifth Circuit reversed the district court's ruling that, as a matter of law, a switchblade was not a dangerous weapon. *Id.* at 416-17. Although the Fifth Circuit held that a switchblade was, at the time of decision, a dangerous weapon as a matter of law, it remanded the question of dangerousness to the jury only because the murder occurred *before* the enactment of the Federal Switchblade Act. *Id*. at 416.

conclude that switchblades are primarily used by criminals and are not substantially similar to a regular knife. . . .").

It was the unique danger of these "vicious weapons" that led Congress to enact the Federal Switchblade Act in the first place. *See* Senate Hearing at 5. Congress understood that switchblades were "by design and use, almost exclusively the weapon of the thug and the delinquent." *Fall,* 297 F.2d at 416. The Senate Subcommittee report emphasized that "police chiefs, almost without exception, indicate that these vicious weapons are on many occasions the instrument used by juvenile in the commission of robberies and assaults." Senate Report at 6. The House Committee report identified switchblades as "one of the favorite weapons of our juvenile and criminal element." H.R. Rep. No. 85–1945, at 3 (1958), https://perma.cc/9WBE-ECLJ. These findings indicate the widespread and longstanding acknowledgement that a switchblade knife is not typically possessed by law-abiding citizens for lawful purposes.

Plaintiffs fail to provide evidence that would show that switchblades are in common use for lawful purposes. That evaluation involves, at the very least, looking to the "absolute number" of weapons at issue "*plus*" the number of jurisdictions where the firearm "may be lawfully possessed." *Hollis*, 827 F.3d at 449–50. *Hollis* found that "[p]ercentage analysis may also be relevant" in evaluating the relevant proportion of weapons. *Id*. at 450. Yet Plaintiffs do not provide an estimate as to the number of switchblades, either in total or as a percentage of other weapons currently owned by Americans. Instead, Plaintiffs offer only vague and conclusory statements. Pls.' Mem. of P. & A. in Supp. of Notice of Mot. & Mot. for Summ. J. at 22, ECF No. 17 ("Pls.' Mem.") ("Today, automatically opening knives are just as popular, if not more popular, than in the early 1900s."); *id*. at 23 (asserting that switchblades "continue to be in common use today"). These generalities are insufficient to establish that switchblades are commonly used today

for self-defense. Nor is it sufficient for Plaintiffs to rely on the number of switchblades purportedly sold each year when the Federal Switchblade Act was enacted in 1958. *See id.* at 26-28. As *Bruen* made plain, the Second Amendment applies to arms that are "in common use *today*." 597 U.S. at 32 (citation omitted and emphasis added).

Plaintiffs further argue that switchblades are a subset of pocketknives (albeit distinct from ordinary pocketknives), and that the widespread ownership of pocketknives means that switchblades are also in common use. Pls.' Mem. at 24. But Plaintiffs cannot show switchblades are in common use because they make up an unknown fraction of some larger number of folding knives. *See Del. State Sportsmen's Ass'n v. Del. Dep't of Safety & Homeland Sec.*, 664 F. Supp. 3d 584, 593 (D. Del. 2023) (rejecting plaintiffs' assertion that "assault pistols" are in "common use" and therefore protected by the Second Amendment, since "plaintiffs do not . . . accompany this assertion with any support"), *aff'd,* 108 F.4th 194 (3d Cir. 2024). Nor can Plaintiffs properly demonstrate that switchblades are in common use because they are similar to more common "folding pocket knives." Pls.' Mem. at 24. Plaintiffs cite no case holding that a particular weapon is in common use because of the prevalence of another weapon. Without any evidence as to the number of switchblades in use today, Plaintiffs fail to carry their burden to show that switchblades are in common use. *See Hollis*, 827 F.3d at 450 ("[I]rrespective of the metric used, Hollis does not have the numbers to support his claims.").

That conclusion is further corroborated by examining the number of states in which switchblades can be "lawfully possessed." *Id.* Five states and the District of Columbia have an outright ban on switchblades or other automatic knives, and another two ban them unless the

individual uses them to hunt (New York) or obtains a specific identification card (Illinois).[8] Another three states ban these knives above a certain length.[9] Maryland bans the sale and concealed carry of automatic knives.[10] New Jersey bans their possession without an explainable lawful purpose.[11] Four other states also prohibit or restrict concealed carry of switchblades or automatic opening knives.[12] And this array of restrictions does not tell the full story. Even in states that do not categorically prohibit switchblades, local jurisdictions often impose their own bans. For example, numerous major cities such as Denver, Miami, New Orleans, Detroit, and Philadelphia ban switchblade possession.[13] At the very least, automatic opening knives are banned or heavily restricted in a significant portion of the country and in many major cities. As dangerous

[8] Del. Code Ann. tit. 11, § 1446 (West 2025); D.C. Code Ann. § 22-4514 (West 2025); Haw. Rev. Stat. Ann. § 134-52 (West 2025); 720 Ill. Comp. Stat. Ann. 5/24-1 (West 2025); Minn. Stat. Ann. § 609.66 (West 2025); N.M. Stat. Ann. § 30-7-8 (West 2025); N.Y. Penal Law § 265.01 (McKinney 2025); Wash. Rev. Code Ann. § 9.41.250 (West 2025).

[9] Cal. Penal Code § 21510 (West 2025) (2 inches); Conn. Gen. Stat. Ann. § 53-206 (West 2025) (ban on carrying switchblade over 1 ½ inches); Vt. Stat. Ann. tit. 13, § 4013 (West 2025) (3 inches). These restrictions implicitly recognize that switchblades become even more dangerous when they feature larger blades. Yet, in compiling metrics regarding switchblades, Plaintiffs largely fail to distinguish between switchblades of different lengths. Plaintiffs accordingly fail to show that every switchblade, regardless of length, is not dangerous and unusual. Such a showing is necessary here, since Plaintiffs' facial challenge requires them to show that every application of the challenged law is unconstitutional, as detailed further below.

[10] Md. Code Ann., Crim. Law, § 4-101 (West 2025); *Id.* § 4-105.

[11] N.J. Stat. Ann. § 2C:39-3 (West 2025).

[12] Colo. Rev. Stat. Ann. § 18-12-105 (West 2025); Fla. Stat. Ann. § 790.01 (West 2025); Miss. Code. Ann. § 97-37-1 (West 2025); Or. Rev. Stat. Ann. § 166.240 (West 2025).

[13] Denver, Colo., Code of Ordinances ch. 38, § 117 (2023); Mia., Fla., Code of Ordinances, ch. 21, art. 3, § 14 (2023); New Orleans, La., Code of Ordinances, ch. 54, art. 6, § 342 (2023); Balt., Md., Balt. Cnty. Code art. 19, § 59-22 (2022); Detroit, Mich., City Code ch. 31, art. 13, § 83 (2023) (ban on possession in public); Phila., Pa., Phila. Code § 10-820 (2023) (ban on possession in public).

and unusual weapons, these knives "do not receive Second Amendment protection," *Hollis*, 827 F.3d at 451, and no further historical inquiry is required to reject Plaintiffs' claim.

In addition, *Bruen* indicates that a weapon is typically possessed by law-abiding citizens for lawful purposes, rather than dangerous and unusual, only if the weapon is commonly used for purposes of self-defense. *See* 597 U.S. at 47; *see also Bianchi*, 111 F.4th at 460 ("Appellants posit that a weapon need only be in common use today for lawful purposes, but *Bruen* implies that a weapon must be 'in common use today for self-defense' to be within the ambit of the Second Amendment."); *Bevis v. City of Naperville*, 85 F.4th 1175, 1192 (7th Cir. 2023) (noting that the Second Amendment "exists to protect the individual right to self-defense," and thereby emphasizing that the use of a particular weapon for purposes of self-defense is the "focus" of the inquiry regarding whether that weapon is protected by the text of the Second Amendment). Plaintiffs have failed to provide evidence that switchblades are commonly used for self-defense. Nor does it seem evident that switchblades would be commonly used for self-defense as an intuitive matter. A switchblade's defining feature is that its blade is concealed up to the moment it could be used, which makes it more fit for criminal activity than for warding off an attack. *See United States v. Miller*, No. 3:23-CR-0041-S, 2023 WL 6300581, at *3 (N.D. Tex. Sept. 27, 2023) (emphasizing that the concealable nature of a sawed-off shotgun made it more likely to be used to commit crimes, and holding that it was a dangerous and unusual weapon). The lack of evidence regarding a switchblade's use for self-defense further confirms Plaintiffs' failure to establish that switchblades are implicated by the Second Amendment. *See Knife Rts., Inc. v. Bonta*, No. 3:23-cv-00474-JES-DDL, 2024 WL 4224809, at *7 (S.D. Cal. Aug. 23, 2024) (finding that the plaintiffs had failed to show that "switchblades are in common use today for self-defense," thereby failing to meet step one of the *Bruen* test), *appeal filed*, No. 24-5536 (9th Cir. September 11, 2024).

In arguing otherwise, Plaintiffs heavily rely on *Commonwealth. v. Canjura*, in which the Massachusetts Supreme Judicial Court wrongly concluded that switchblades were not dangerous and unusual weapons. 240 N.E.3d 213, 222 (Mass. 2024). The Supreme Judicial Court there acknowledged that a weapon is unprotected by the Second Amendment if it "feature[s] uniquely dangerous qualities that are disproportionate to their use for self-defense." *Id.* at 222. But it failed to recognize the ways that switchblades are suited for criminal use, including the ease with which they can be concealed and then rapidly deployed in violent assaults. *See* Senate Hearing at 2-8. It similarly failed to grapple with the lack of evidence to suggest that switchblades are commonly used for the purpose of self-defense. *See Knife Rts.,* 2024 WL 4224809, at *7.

Canjura was also incorrect in concluding that the government must show that switchblades are not dangerous and unusual as part of a historical analysis at the second step of the *Bruen* inquiry. The Supreme Court already undertook the historical analysis needed to determine that the history of regulations on "dangerous and unusual weapons" fairly support a principle that weapons "not typically possessed by law-abiding citizens for lawful purposes" are not protected by the Second Amendment. *Heller*, 554 U.S. at 625, 627. The question then is not whether the history of a particular weapon shows that it is dangerous and unusual. The question is instead whether the weapon is typically possessed by law-abiding individuals *today* for self-defense. *Bruen*, 597 U.S. at 48; *Miller*, 2023 WL 6300581, at *3 (rejecting a plaintiff's attempt to determine whether a weapon was dangerous and unusual based on a historical analysis conducted at step two, since such an attempt "both disregards the *Bruen* Court's focus on whether weapons are in common use today and muddles the first and second steps of the *Bruen* analysis"); *see also Bianchi*, 111 F.4th at 452-53. As detailed above, Plaintiffs bear the burden at this first step, and they fail to meet it.

C. The Federal Switchblade Act is Consistent with Historical Regulation of Arms

Even if the Federal Switchblade Act implicates the Second Amendment, the law is amply supported by historical precedent. Under the second step of *Bruen*, the Government may justify a regulation that concerns the right to bear arms "by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation." 597 U.S. at 24. As the Supreme Court made clear in *United States v. Rahimi*, this historical inquiry is "not meant to suggest a law trapped in amber." 602 U.S. 680, 691 (2024). Rather, "the appropriate analysis involves considering whether the challenged regulation is consistent with the *principles* that underpin our regulatory tradition." *Id.* at 692 (emphasis added). "Why and how the regulation burdens the right are central to this inquiry." *Id.* "The law must comport with the principles underlying the Second Amendment, but it need not be a 'dead ringer' or a 'historical twin.'" *Id.* at 692 (quoting *Bruen*, 597 U.S. at 30). Here, the Federal Switchblade Act is consistent with longstanding regulations regarding bladed arms, the commercial sale of arms, and the possession of arms in sensitive places such as government facilities.

1. *Regulation of Bowie Knives and Other Bladed Weapons*

Historical state laws regulating specific bladed weapons provide ample and specific support for the Federal Switchblade Act, demonstrating the robust authority of the government to significantly regulate such weapons. As Plaintiffs acknowledge, switchblades were not "suited to mass production methods" until the end of the nineteenth century, Pls.' Mem. at 6, such that early American colonies and states had no occasion to consider switchblade regulation. But a different bladed weapon—the "Bowie knife"—was in fact widely regulated in the early and mid-nineteenth century, for many of the same reasons that switchblades would be restricted in the mid-twentieth century.

The original Bowie knife generally referred to a weapon "eight to twelve inches long, designed for close range fighting." Raymond Thorp, *Bowie Knife* 87 (1948). Over time, however, manufacturers began using the term for various long knives. Norm Flayderman, *The Bowie Knife: Unsheathing an American Legend* 490 (2004). In the early nineteenth century, Bowie knives were increasingly recognized for their role in fights, duels, brawls, and other criminal activities. *Id*. at 25–64, 495–502. In a particularly infamous episode in 1837, the Arkansas Speaker of the House used a Bowie knife to murder a State Representative. *See*, *e.g.*, Flayderman at 52. The role of these knives in criminal activity led one scholar to conclude that "[t]he most feared weapon of the 1830s was not a firearm, but the Bowie knife." Thorp at 87.

The historical record shows a proliferation of regulations in the early and mid-nineteenth century designed to strictly regulate Bowie knives and other bladed weapons. During this time, "local and state governments sought to regulate weapons viewed as being particularly dangerous to public safety," and the resulting "laws regulating knives were often broad, trying to capture as many kinds of fighting knives as possible, including 'daggers,' 'dirks,' 'stilettos,' 'Arkansas tooth-picks,' and others." *Or. Firearms Fed'n v. Kotek Or. All. for Gun Safety*, 682 F. Supp. 3d 874, 905 (D. Or. 2023), *appeal filed sub nom., Fitz v. Rosenblum*, No. 23-35478 (9th Cir. July 17, 2023).

For instance, Georgia enacted a statute in 1837 that prohibited the manufacture, sale, and wearing of pistols, Bowie knives, or "any other kind of knives." Act of Dec. 25, 1837 § 1, 1837 Ga. Acts. 90.[14] And while the statute was overturned in part as unconstitutional in *Nunn v. State*, 1 Ga. 243 (1846), that decision focused only on the statute's restriction on carrying arms openly; it did not directly address the statute's prohibitions on the manufacture or sale of certain weapons.

[14] The historical statutes cited in this section have been compiled in the accompanying appendix for ease of reference.

See id. at 251 (holding that "so much of [the law], as contains a prohibition against bearing arms *openly*, is in conflict with the Constitution, and *void*"); *Heller*, 554 U.S. at 612 (explaining that *Nunn* "struck down a ban on carrying pistols openly").

Georgia's prohibition on the sale of certain knives was not unique. Tennessee enacted a similar prohibition in early 1838 banning the sale of Bowie knives and comparable knives, along with bans on the concealed carry of such weapons and increased penalties for "drawing" such blades or their violent use. Ch. 137, 1837-1838 Tenn. Acts 200. In upholding this prohibition, the Tennessee Supreme Court explained the motivation behind the statute, which was "to prohibit the wearing or keeping weapons dangerous to the peace and safety of the citizens," "to preserve the public peace," and to "protect our citizens from the terror which a wanton and unusual exhibition of arms might produce, or their lives from being endangered by desperadoes with concealed arms." *Aymette v. State*, 21 Tenn. 154, 159 (1840). These restrictions were followed by a similar measure enacted in Arkansas in 1881, which banned the transfer of "any dirk or bowie knife" and broadly prohibited the wearing of such weapons "in any manner whatever." Act of Apr. 1, 1881, No. 96, §§ 1–3, 1881 Ark. Acts 191, 191–92.

Other states pursued additional approaches to restrict the sale of Bowie knives and other bladed weapons. In 1837, Alabama imposed a prohibitory tax on individuals who "sold," gave, or "otherwise disposed" of any Bowie knives, "Arkansas Tooth-picks" or any knives that "resemble" them. Act of June 30, 1837, No. 11, 1837 Ala. Laws Called Sess. 7. In 1838, Florida enacted a substantial occupational tax on all vendors of "dirks [or daggers], pocket pistols, sword canes, or bowie knives" and required a yearly tax from all individuals "carrying said weapons openly." Act of Feb. 10, 1838, No. 24, §§ 1–2, 1838 Fla. Laws 36, 36. Mississippi likewise enacted multiple laws during this time that specifically empowered local officials to achieve the "total inhibition of

the odious and savage practice of wearing dirks and bowie-knives or pistols." Act of Feb. 15, 1839, ch. 168, § 5, 1839 Miss. Laws 384, 385; Act of Feb. 18, 1840, ch. 11, § 5, 1840 Miss. Laws 181.

The fact that these laws were concentrated primarily in the South reflects that the concern over knife-related violence was highest in that region. *See* Thorp at 69 (explaining that the "[t]he Bowie-Knife was, to put it mildly, responsible for the terrorizing of a half dozen states" and the citizens therein "demanded legal protection"); *accord Hanson v. District of Columbia*, 671 F. Supp. 3d 1, 23 (D.D.C. 2023) (explaining in the historical Second Amendment context that "States do not 'regulate for problems that do not exist'; instead, they 'adopt laws to address the problems that confront them'" (quoting *McCullen v. Coakley*, 573 U.S. 464, 481 (2014)), *aff'd*, 120 F.4th 223 (D.C. Cir. 2024).

And much like the concerns surrounding youth delinquency that gave rise to the Federal Switchblade Act, state governments in the mid-nineteenth century enacted additional regulations aimed at preventing the sale of Bowie knives and other weapons to minors. In 1856, Tennessee barred merchants from selling minors any pistols, Bowie knives, dirks, or other knives. Act of Feb. 26, 1856, ch. 81, § 2, 1855–1856 Tenn. Acts 92, 92. In 1859, Kentucky prohibited the sale of such weapons to minors. Act of Jan. 12, 1860, ch. 33, § 23, 1 Ky. Acts 241, 245. In 1878, Mississippi enacted a law that not only barred the concealed carry of bowie knives, pistols or similar "deadly weapon[s]," but also barred the sale of these weapons to minors and "intoxicated" individuals. Act of Feb. 28, 1878, ch. 96, §§ 1–2, 1878 Miss. Laws 175, 175.[15] In addition, laws banning the sale of such knives to minors were also enacted in Kansas in 1883 and Illinois in 1885.

[15] A similar law was passed by Congress in 1892, governing Washington, D.C., barring the sale of "daggers . . . bowie-knives, dirk knives or dirks," to those under the age of 21. Act of July 13, 1892, 52 Cong. ch. 159, § 5, 27 Stat. 116, 117.

Act of Mar. 5, 1883, ch. 105, § 1, 1883 Kan. 159, 159; Act of Apr. 16, 1881, § 2, 1881 Ill. Laws 73, 73.

Finally, large numbers of states prohibited the concealed carry of Bowie knives, dirks, and other bladed weapons. *See, e.g.,* 1801 Tenn. Act 260-61 (barring the private carrying "any dirk, large knife, pistol, or any other dangerous weapon, to the fear or terror of any person," absent a bond); 1813 La. Acts 172, An Act Against Carrying (barring the concealed carry of various weapons, including knives, dirks, and daggers); Acts of the General Assembly of Virginia, Passed at the Session of 1838, at 76-77, ch. 101 (1838) (barring the concealed carry of weapons that included Bowie knives and dirks); *see also Or. Firearms Fed'n*, 682 F. Supp. 3d at 908 (explaining that "[f]ourteen states banned the concealed carry of Bowie knives between 1850 and 1875," and that "twenty-two states had laws prohibiting the concealed carry of Bowie knives" between 1875 and 1900).

The nineteenth century accordingly saw numerous and widespread regulations applied to Bowie knives and bladed weapons. The principles animating this tradition were the same principles that led to an array of state and local restrictions on switchblades in the twentieth century: that public safety was threatened by a bladed weapon that was easily concealed and could easily be used by criminals or minors, and that the weapon was therefore appropriately restricted. In turn, the Federal Switchblade Act addressed the widespread circumvention of state and local prohibitions, namely the purchase and import of switchblades by mail and other methods into states and localities where sale and possession was regulated or barred. The statute thus fell within a longstanding regulatory tradition of regulating comparable bladed arms.

Plaintiffs' principal retort is to argue that the regulations cited above are insufficiently similar to the Federal Switchblade Act, since most of these regulations did not serve to

comprehensively ban bladed weapons. Pls.' Mem. at 25-31. But the Federal Switchblade Act did not enact a nationwide ban; it instead regulates the distribution of switchblades in interstate commerce and their possession in certain areas. This kind of limited national regulation fits comfortably within the longstanding array of additional regulations of bladed arms enacted throughout the nineteenth century. More fundamentally, by insisting upon a perfect resemblance between the Federal Switchblade Act and its precursors, Plaintiffs ignore the Supreme Court's directive that what is needed is a "historical *analogue*, not a historical *twin*." *Bruen*, 597 U.S. at 30; *see also Rahimi*, 602 U.S. at 701. Given the array of historical analogues for the Federal Switchblade Act's regulation of bladed weapons, that standard is met here.

2. *Historical Regulations on Commerce in Arms and Ammunition*

Early American history also reveals a related, robust tradition of regulation of the sale and transport of arms and ammunition, which is closely analogous to the prohibition of interstate commerce of switchblades in Section 1242 of the Switchblade Act. As the en banc Ninth Circuit recounted in detail, as early as the 1600s "colonial governments substantially controlled the firearms trade," including through "restrictions on the commercial sale of firearms." *Teixeira*, 873 F.3d at 685. Specifically, the colonies of "Massachusetts, Connecticut, Maryland, and Virginia all passed laws in the first half of the seventeenth century making it a crime to sell, give, or otherwise deliver firearms or ammunition to Indians." *Id*.; *see also id*. (explaining that "Connecticut banned the sale of firearms by its residents outside the colony"). And under colonial Virginia's law, "straying into an Indian town or more than three miles from an English Plantation, while possessing more firearms than needed for personal use, was a crime." *United States v. Bradley*, No. 2:22-cr-00098, 2023 WL 2621352, at *5 (S.D.W. Va. Mar. 23, 2023). This colonial history shows the authority of early American governments to restrict the sale of arms and ammunition,

including over who could be sold arms and where sales could take place. *See id.* at *4 ("Early legislatures and Founders did not shy away from regulating the trade and movement of firearms.").

Consistent with these colonial laws, the third U.S. Congress made it unlawful for a limited period "to export from the United States any cannon, muskets, pistols, bayonets, swords, cutlasses, musket balls, lead, bombs, grenades, gunpowder, sulpher, or saltpetre," Act of May 22, 1794, ch. 3 Cong. 33, § 1, 1 Stat. 369. That measure demonstrated Congress's understanding that the Constitution permitted strict regulation of firearm sellers. *See United States v. Libertad*, 681 F. Supp. 3d 102, 114 (S.D.N.Y. 2023) ("[T]he statute provides powerful evidence that an early congress believed it could, consistent with the Second Amendment, place quite sweeping restrictions on the passage of firearms *across borders*." (emphasis added)).

Colonial and early state governments also enacted a number of stringent restrictions on the interstate commerce of gunpowder (akin to modern ammunition). Multiple states—such as Massachusetts (1651, 1809), Connecticut (1775), New Jersey (1776), and New Hampshire (1820)—required licenses or inspection to export or sell gunpowder to other colonies or states.[16]

[16] *See* The General Laws and Liberties of the Massachusetts Colony 126 (Cambridge, Samuel Green 1672), *reprinted in* Colonial Laws of Massachusetts (Bos., Rockwell & Churchill 1890) (1651 statute requiring license to export gunpowder); 2 General Laws of Massachusetts, from the Adoption of the Constitution to February 1822, at 198–200 (Bos., Wells & Lilly 1823) (1809 statute providing for the appointment of an "inspector of gunpowder for every public powder magazine, and at every manufactory of gunpowder," and imposing penalties for any sale or export of gunpowder "before the same has been inspected and marked"); 15 The Public Records of the Colony of Connecticut 191 (Charles J. Hoadly ed., Hartford, Case, Lockwood & Brainard 1890) (1775 Connecticut law establishing, among other things, that no gunpowder manufactured in the colony "shall be exported out" of the colony "without [an applicable] licence"); An Act for the Inspection of Gunpowder, ch. 6, § 1, 1776–1777 N.J. Laws 6, 6 (1776) (barring individuals from selling gunpowder that had not been "previously inspected and marked as is herein directed"); Laws of the State of New-Hampshire; with the Constitutions of the United States and of the State Prefixed 276–77 (Hopkinton, Isaac Long, Jr., 1830) (authorizing "inspector of gunpowder for every public powder magazine, and at every manufactory of gunpowder in this state," and imposing penalties for any sale or disposition of gunpowder "before the same has been inspected and marked").

Connecticut's 1775 law, for instance, established that no gunpowder manufactured within the colony "shall be exported out[side]" of the colony "without [an applicable] licen[s]e." And Massachusetts similarly prohibited the "export" of gunpowder beyond "the limits of this Commonwealth . . . before the same has been inspected and marked" by Government officials. *Accord United States v. Sharkey*, 693 F. Supp. 3d 1004, 1007 (S.D. Iowa 2023) ("These regulations underscore the historical efforts to control the production and movement of gunpowder.").

These regulations collectively demonstrate the tradition that arms sales could be significantly regulated. The Supreme Court recognized this tradition in *Heller*, when it noted that its opinion did not "cast doubt" on "laws imposing conditions and qualifications on the commercial sale of arms." 554 U.S. at 626-27. Section 1242 is exactly that kind of provision.

3. *Historical Regulations on Arms in Government Facilities*

Finally, Plaintiffs' facial challenge to Section 1243 is further undermined by the longstanding tradition of regulations over arms in sensitive places such as government facilities. Though Plaintiffs do not appear to explicitly label their claim as a facial challenge, their case necessarily seeks the facial invalidation of Section 1243 because it requests a universal injunction that would completely bar enforcement of the provision. *See John Doe No. 1 v. Reed*, 561 U.S. 186, 194 (2010) ("The label is not what matters. The important point is that plaintiffs' claim and the relief that would follow . . . reach beyond the particular circumstances of these plaintiffs. They must therefore satisfy our standards for a facial challenge to the extent of that reach."). As the Supreme Court emphasized in *Rahimi*, facial challenges are "the most difficult challenge to mount successfully, because it requires a defendant to establish that no set of circumstances exists under which the Act would be valid," while only requiring the government to show that a statute "is constitutional in some of its applications." 602 U.S. at 693 (citation and internal quotation marks

omitted). Plaintiffs' facial challenge necessarily fails here, since historical practice demonstrates that an array of applications of Section 1243 are unquestionably constitutional.

Section 1243 includes a restriction on the possession of switchblades "within the special maritime and territorial jurisdiction of the United States (as defined in section 7 of title 18)." In turn, 18 U.S.C. § 7 specifies the several types of areas that are included within this definition, including "[a]ny lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building." Courts have held that this definition extends to government sites such as military reservations, hospitals administered by the Veterans Administration, and federal courthouses. *See, e.g.*, *United States v. Dixon*, 185 F.3d 393, 396 n.1 (5th Cir. 1999); *United States v. Reff*, 479 F.3d 396 (5th Cir. 2007); *United States v. Markiewicz*, 978 F.2d 786, 797 (2d Cir. 1992).

The historical tradition of regulating arms in these kinds of sensitive places stretches back centuries. The 1328 Statute of Northampton included a prohibition against the carrying of arms "before the King's justices" and "other of the King's ministers doing their office." 2 Edw. 3, c. 3 (1328) (Eng.). This statute was later "expressly incorporated by Massachusetts, North Carolina, and Virginia in the years immediately after the adoption of the Constitution." Patrick J. Charles, *The Faces of the Second Amendment Outside the Home: History Versus Ahistorical Standards of Review*, Clev. St. L. Rev. 1, 31 (2012). For instance, Virginia barred the carry of weapons at sites such as fairs and markets, as well as within the presence of the Court's Justices. *See* A Collection of All Such Acts of the General Assembly of Virginia, of a Public and Permanent Nature, As Are Now in Force at 33 (Virginia, Augustine Davis 1794).

In the nineteenth century, state legislatures built upon this tradition by enacting a range of restrictions on the possession of firearms in sensitive places. *See* 1869 Tenn. Pub. Acts 23–24 (barring the carry of weapons by "any person attending any fair, race course, or other public assembly of people"); 1870 Tex. Gen. Laws 63 (prohibiting weapons in locations that included places "where persons are assembled for educational, literary or scientific purposes" and "where people may be assembled to muster or to perform any other public duty, or any other public assembly"); 1883 Mo. Sess. Laws 76 (barring "any deadly or dangerous weapon" in places "where people are assembled for educational, literary or social purposes"). States such as Louisiana and Maryland similarly restricted arms near polling places. *See* 1870 La. Acts 159–60; 1886 Md. Laws 315.

The Supreme Court recognized this longstanding history when it noted that the Second Amendment did not affect "laws forbidding the carrying of firearms in sensitive places such as schools and government buildings." *Heller*, 554 U.S. at 626. Courts have applied this reasoning to uphold regulations regarding the possession of arms in a wide variety of public sites. *See Antonyuk v. James*, 120 F.4th 941, 1037–38 (2d Cir. 2024) (public parks and zoos); *United States v. Tallion*, No. 8:22-po-0158-AAQ, 2022 WL 17619254, at *6 (D. Md. Dec. 13, 2022) (the campus of the National Institutes of Health); *see also Md. Shall Issue, Inc. v. Montgomery Cnty., Maryland*, 680 F. Supp. 3d 567, 583-89 (D. Md. 2023) (finding that plaintiffs were unlikely to succeed on the merits regarding challenges to laws regulating the possession of arms in locations such as public libraries and public colleges and universities), *appeal filed*, No. 23-1719 (4th Cir. July 10, 2023).

And courts have similarly recognized the permissibility of such restrictions by recognizing the government's latitude to regulate its property. *See United States v. Dorosan*, 350 F. App'x 874, 875 (5th Cir. 2009) (rejecting a challenge to a conviction under a federal regulation

prohibiting the possession of a handgun on property owned by the U.S. postal service, in part because "the Postal Service owned the parking lot where Dorosan's handgun was found, and its restrictions on guns stemmed from its constitutional authority as the property owner"); *United States v. Gliatta*, 580 F.2d 156, 160 (5th Cir. 1978) ("Beyond doubt, the Property Clause authorizes the enactment and enforcement of regulations which, like those at issue in this case, are designed to maintain safety and order on government property.").

This tradition and precedent yields a common-sense conclusion: Congress can undoubtedly restrict the possession of switchblades in sensitive places, which include at least federal courthouses, facilities, and military bases. This conclusion alone demonstrates that Plaintiffs' facial challenge to Section 1243 fails. Such a facial challenge can only succeed if Section 1243 is unconstitutional in all of its possible applications, which is not the case.

In sum, American history reveals a wide array of regulations regarding bladed arms, the commercial sale of arms, and the possession of arms in sensitive places such as government facilities. The Federal Switchblade Act is simply a more recent chapter in this tradition. The statute exercises well-established authority to regulate where and how bladed arms may be sold or possessed. It does not run afoul of the Second Amendment.

III. Any Injunction Should Not Extend Beyond the Plaintiffs

If the Court reaches the question of remedy, Plaintiffs' request for a nationwide injunction should be denied. Nationwide injunctions "have little basis in traditional equitable practice," *DHS v. New York*, 140 S. Ct. 599, 600 (2020) (Gorsuch, J., concurring), as they "take the judicial power beyond its traditionally understood uses, permitting district courts to order the government to act or refrain from acting toward nonparties in the case," *Arizona v. Biden*, 40 F.4th 375, 396 (6th Cir. 2022) (Sutton, C.J., concurring). As a practical matter, nationwide injunctions "take a toll on the

federal court system—preventing legal questions from percolating through the federal courts, encouraging forum shopping, and making every case a national emergency for the courts and for the Executive Branch." *Trump v. Hawaii*, 585 U.S. 667, 713 (2018) (Thomas, J., concurring); *see also DHS*, 140 S. Ct. at 599–601 (Gorsuch, J., concurring) (lamenting the "asymmetric" effects of nationwide injunctions on "the government's hope of implementing any new policy"). Any relief should be limited to identified parties who have agreed to be bound by the judgment, which does not include unidentified members of the plaintiff organization. This restriction would promote the longstanding equitable principle that a party has one opportunity for relief and that the effect of any judgment should be bidirectional. *Cf. Arizona*, 40 F.4th at 395–98 (Sutton, C.J., concurring).

CONCLUSION

For the foregoing reasons, the Court should grant Defendants' Motion to Dismiss and deny Plaintiffs' Motion for Summary Judgment.

Dated: January 10, 2025

Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

KNIFE RIGHTS INC., *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, *et al.*,

Defendants.

Civil Action No. 4:24-cv-926-P

APPENDIX IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS AND OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

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STATUTES OF KING EDWARD THE THIRD.

Anno 1° EDWARDI III. A.D.1326-7.

Statuta ſ'ca apud Weſtm̄ in p'liamento R. Edwardi T'cii post Conqueſtoꝛē anno r. ſui p'mo.

STATUTES made at WESTMINSTER; In the Parliament of K. EDWARD, The Third, after the Conqueror; In The First Year of his Reign.

Ex magno Rot. Stat. in Turr. Lond. m. 29.

COME Hugh le Despenſ le piere & Hugh le Despenſ le fiuz nadgares, a la ſuite Thomas adonqes Counte de Lancaſtr̄ & de Leycestr̄, Seneschal Dengleterre, p cōmune assent & agard des piers & du poeple du roialme, & p lassent du Roi Edward piere nr̄e Seign' le Roi qore est, come treitres & enemys du Roi & du poeple feussent exilez, desheritez, & banutz hors du roialme pur tous jours; puys aꝑs, mesmes ceux Hugh & Hugh, p malveis conseil q̄ le dit Roi avoit ꝑsde luy adonqes, saunz assent des piers & du poeple revindrent en dit roialme; & eux & autres abetterent le dit Roi Edward ap'sure le dit Counte de Lancastre & autres graunz & gentz du poeple du roialme, en quele pursuite le dit Counte de Lancaſtr̄ & autr̄s grauntz & gentz du poeple du roialme voluntrivement furent mortz, & desheritez, & ascuns utlagez banuz & desheritez, & ascuns desh̄etez & emprisonez, & ascuns reintz & desh̄etez; & aꝑs tieux mauveistez les ditz Hugh & Hugh, Mestre Robt de Baldok, Esmon jadis Counte Darundell acrocherent a eux roial poer, en tieu manere q̄ le dit Roi Edward rien ne fist, ne ne voleit faire, forsq̄ ceo q̄ les ditz Hugh & Hugh, Robt, Esmon Counte Darundell, luy conseilerent, ne fust ceo ja si g'nt tort; duraunt quele acrochement p durte & p force countre volunte des gentz de la ꝑre, ils purchacerent ꝑres p ſyns levz en la Court le dit Roi Edward & en autre manere. Et come aꝑs la mort le dit Counte de Lancaſtr̄ & des autꝑs g'untz, nr̄e Seign' le Roi qore est, & ma dame Isabele Roine Dengleꝑre sa miere, de la volunte le dit Roi Edward, & p cōmun conseil du roialme, alassent es pties de France de ꝓcurer bien de pees entre les deux roialmes de Fraunce & Dengleꝑre,

Statute the First.

Recital of the Usurpations of the two Spensers, &c. and of their Destruction by means of the present King and his Mother.

See Statutes 15 Edw. II.

WHEREAS Hugh Spenser the Father, and Hugh Spenser the Son, late at the Suit of Thomas then Earl of Lancaster and Leicester, and Steward of England, by the common assent and award of the Peers and Commons of the Realm, and by the Assent of King Edward Father to our Sovereign Lord the King that now is, as Traitors and Enemies of the King and of his Realm, were exiled, disherited, and banished out of the Realm for ever; and afterward, the same Hugh and Hugh, by evil council which the King had [taken of them,'] without the Assent of the Peers and Commons of the Realm, came again into the Realm; and they, with other, procured the said King to pursue the said Earl of Lancaster, and other great men and people of this Realm, in which pursuit, the said Earl of Lancaster, and other great men and people of the Realm were [willingly dead '] and disherited, and some outlawed, banished, and disherited, and some disherited and imprisoned, and some ransomed and disherited; and after such Mischief, the said Hugh and Hugh, Master Robert Baldocke, and Edmond late Earl of Arundel usurped to them the Royal Power, so that the King nothing did nor would do, but as the said Hugh, and Hugh, Robert, and Edmond Earl of Arundel did counsel him, were it never so great wrong; during which Usurpation, by duress and force against the will of the [Commons,'] they purchased Lands as well by Fines levied in the Court of the said King Edward, as otherwise: And Whereas after the death of the said Earl of Lancaster, and of other great men, our Sovereign Lord the King that now is, and Dame Isabel, Queen of England, his Mother, by the King's will and Common Counsel of the Realm, went over into France, to treat a Peace between the two Realms of England

' *then near him* ' *wilfully put to death.*

' People of the Land *MS. Tr.* 1.

escritz de venir au Roi a force & armes, en chescun temps qils furent maundez, sur peine de vie & de membre, & de q'nt qil p'roient forfaire; p force des queux escritz plusours de la ꝑre ount este diꝑsement destrutz; Le Roi eyaunt regard q̃ tieux escritz furent faitz a deshonour du Roi, desicome chescun feust tenu de faire au Roi come a seign' lige ceo q̃ a luy appendoit sanz escrit, Voet q̃ tieuz escritz desormes ne soient faitz; et q̃ ceux q̃ sont faitz, p la veue de Chanceller & Tresorer, soient monstrez au Roi; & le Roi fra dampner ceux q̃ sont faitz contre droit & reson.

Itm pur la pees meultz garder & meyntener, le Roi veot qen chescun Countee q̃ bones gentz & loialx, queux ne sont mye meyntenours de malveis baretz en pays, soient assignez a la garde de la pees.

Itm le Roi comaunde q̃ les viscontes & Baillifs des franchises, & toutz autrs q̃ pnent enditementz a lor tourns, ou ailliours ou enditementz ꝑount faitz, preignent tieux enditementz p roule endente dount Lune ptie demeorge ꝑs les enditours, & lautre ptie deꝑs cely qi prendra Lenqueste, issint q̃ les enditementz ne soient beseleez come avant ces houres ount este, & issint q̃ un de lenqueste peut monstrer lune ptie de lendenture a la Justice q'nt il vendra p' la deliꝑaunce faire.

Memorand qd ista duo statuta ꝑcedencia missa fuerunt in Hibn̄ in forma patenti, cum quodam br̄i inferiꝰ seqn̄.

themselves by Writing, to come to the King with Force and Arms, whensoever they should be sent for, upon Pain of Life and Limb, and to forfeit all that ever they might forfeit; by virtue of which Writings divers of this Land have been often destroyed: The King, considering that such Writings were made to the King's dishonour, sithence that every Man is bound to do to the King, as to his Liege Lord, all that pertaineth to him without any manner of Writing, Willeth, that from henceforth no such Writing be made; and that such as be made, by the sight of the Chancellor and Treasurer, shall be shewed to the King; and the King shall cause all such as be made against Right and Reason to be cancelled.

None shall be bound by Writing to come with Arms to the King.

ITEM, For the better keeping and maintenance of the Peace, the King will, that in every County good Men and lawful, which be [no Maintainers of Evil, or Barretors '] in the Country, shall be assigned to keep the Peace.

XVI. Keepers of the Peace in each County.

ITEM, The King commandeth, That the Sheriffs and Bailiffs of Franchises, and all other that do take Indictments in their Turns, or elsewhere, where Indictments ought to be made, shall take such Indictment by Roll indented, whereof the one Part shall remain with the Indictors, and the other Part with him that taketh the Inquest; so that the Indictments shall not be imbezilled as they have been in times past; and so that one of the Inquest may shew the one part of the Indenture to the Justices, when they come to make Deliverance.

XVII. Indictments shall be taken by Indenture.

[1] No Maintainers of cursed Barretors *MS. Tr.* 2.

Be it Remembered, that the two preceding Statutes were sent into Ireland in form of Letters Patent, with a certain Writ hereunder following.[1]

[1] See Memorandum at the End of Stat. 5 Edw. III.

Anno 2° EDWARDI, III. A.D.1328.

Statutū editū apud Nozh't', anno r. R. E. t'cii post conquestū sc'do.

STATUTE made at NORTHAMPTON;

In the SECOND Year of the Reign of K. EDWARD the THIRD after the Conquest.

Ex magno Rot. Stat. in Turr. Lond. m. 28.

Nr̃e seign' le Roi Edward, le tierz aꝑs le conqueste, a son plement tenuz a Northt as trois semeins de Pasch, Lan de son regne secund, desiraunt q̃ la pees de sa ꝑre, & les leis & estatuz avant ces heures ordenez & usez, soient gardez & meintenuz en touz poyntz, Al hon' de dieu & de seinte eglise, & a cõe pfit du poeple, p assent des Prelatz, Countes & Barons & autres g'ntz, & tote la cõe du roialme, au dit plement somons, ordena & establit en meisme le plement les choses southescrites en la forme q̃ sensuit.

En primes q̃ la g'nte Chartre & la Chartre de la foreste soient tenuz en touz pointz.

Ensement p' ceo q̃ meffesours ont este esbauditz de ce q̃ chartres de pdoun ont este si legꝰment g'ntees avant ces heures, des homicides, robies, felonies & autres trespas countre la pees; acorde est & establi q̃ tiels chartres ne soient mes g'ntees fors qen cas ou le Roi le poet faire p son ꝰment, cest assavoir en cas ou home tue autre soi defendant, ou p infortune: Et auxint ont este esbauditz de ceo q̃ Justiceries as deliꝰances des gaoles, & a oier & ꝰminer, ont estez g'ntees as gentz pcurez countre forme de lestatut fait en temps le Roi Edward, ael

OUR Lord King Edward, the Third after the Conquest, at his Parliament holden at Northampton, at the three weeks of Easter, in the second year of his Reign, desiring that the Peace of his Land, and his Laws and Statutes, ordained and used before this Time, may be kept and maintained in all Points; to the Honour of God and of Holy Church, and to the common Profit of the People, by Assent of the Prelates, Earls, Barons, and other great Men, and all the Commonalty summoned to the same Parliament, hath ordained and established in the said Parliament these Things underwritten, in Form following.

FIRST, That the Great Charter, and the Charter of the Forest, be observed in all Points.

I. The Charters.

ITEM, Whereas Offenders have been greatly encouraged, because [the '] Charters of Pardon have been so easily granted in times past, of Manslaughters, Robberies, Felonies, and other Trespasses against the Peace; It is ordained and enacted, That such Charter shall not be granted, but only where the King may do it by his Oath, that is to say, where a Man slayeth another in his own defence, or by Misfortune: And also they have been encouraged, because that [' the Justices of Gaol-delivery, and of Oyer and Terminer, have been procured by great Men '] against the Form of the Statute made in the xxvij year of the reign of King Edward,

II. Pardons for Felony.

[1] that

[2] *Commissions of Gaol Delivery and of Oier and Terminer have been granted to Persons procured*

27 Ed. I. c. 3. Grandfather to our Lord the King that now is, wherein is contained, that Justices assigned to take Assises, if they be Laymen, shall make Deliverance; and if the one be a Clerk, and the other a Layman, that the Lay Judge, with another of the Country associate to him, shall deliver the Gaols: Wherefore it is enacted, That such [Justices [1]] shall not be made against the Form of the said Statute; and that the Assises, Attaints, and Certifications be taken before the Justices commonly assigned, which should be good Men and lawful, having Knowledge of the Law, and none other, after the Form of another Statute made in the Time of the said [King Edward the First;] and that the Oyers and Terminers shall not be granted but before Justices of the one Bench or the other, or the Justices Errants, and that for great [hurt,] or horrible Trespasses, and of the King's special Grace, after the Form of the Statute thereof ordained in Time of the said Grandfather, and none otherwise.

Justices of Assise and Gaol-delivery.

Oyers and Terminers.

III. Riding or going armed in Affray of the Peace. ITEM, It is enacted, That no Man great nor small, of what Condition soever he be, except the King's Servants in his presence, and his Ministers in executing of the King's Precepts, or of their Office, and such as be in their Company assisting them, and also [upon a Cry made for Arms to keep the Peace, and the same in such places where such Acts happen,[2]] be so hardy to come before the King's Justices, or other of the King's Ministers doing their office, with force and arms, nor bring no force in affray of the peace, nor to go nor ride armed by night nor by day, in Fairs, Markets, nor in the presence of the Justices or other Ministers, nor in no part elsewhere, upon pain to forfeit their Armour to the King, and their Bodies to Prison at the King's pleasure. And that the King's Justices in their presence, Sheriffs, and other Ministers (4) in their Bailiwicks, Lords of Franchises, and their Bailiffs in the same, and Mayors and Bailiffs of Cities and Boroughs, within the same Cities and Boroughs, and Borough-Holders, Constables, and Wardens of the Peace within their Wards, shall have Power to execute this Act. And that the Justices assigned, at their coming down into the Country, shall have Power to enquire how such Officers and Lords have exercised their Offices in this Case, and to punish them whom they find that have not done that which pertained to their Office.

IV. The Statute of Lincoln, 9 Edw. II. concerning Sheriffs, &c. confirmed. ITEM, Because the Peace cannot be well kept without good Ministers, as Sheriffs, Bailiffs, and Hundreders, which ought to do Execution as well of the King's Privities as of other Things touching our Lord the King and his People; It is ordained and established, That the Statute made in the time of King Edward, Father to the King that now is, at Lincoln, containing that Sheriffs, Hundreders, and Bailiffs shall be of such People as have Lands in the same Shires or Bailiwicks, shall be observed in all Points after the Form thereof; and that Sheriffs and Bailiffs of Fee shall cause their Counties and Bailiwicks to be kept by such as have Lands therein.

V. The Statute Westminster the Second, 13 Edw. I. chapter 39, concerning the Delivery of Writs to the Sheriff, confirmed. ITEM, Where it was ordained by the Statute of Westminster the Second, that they which will deliver their Writs to the Sheriff, shall deliver them in the full County, or in the Rere County, and that the Sheriff or under Sheriff shall thereupon make a Bill; It is accorded and established, that at what Time or Place in the County a Man doth deliver any Writ to the Sheriff or to the Under-Sheriff, that they shall receive the same Writs, and make a Bill, after the form contained in the same Statute, without taking any Thing therefore; and if they refuse to make a Bill, others that be present shall set to their Seals; and if the Sheriff or Under-Sheriff do not return the said Writs, they shall be punished after the form contained in the same Statute; and also the Justices of Assises shall have power to enquire thereof at every Man's Complaint, and to award Damages, as having respect to the Delay, and to the loss and peril that might happen

[1] *Commissions* [2] *Grandfather*

[3] *upon a Proclamation of Deeds of Arms in time of Peace, and that in Places where such Deeds are to be done,*—See Lib. Rub. Scac. Westm. fo. 122 b. a Writ reciting a Grant of K. Richard I. "qd Tornamenta sint in Angl in v. placijs: Inp Sarr & Wiltoñ: Inp Warrewich & Kenelingworth: Inp Stanford & Warneford: Inp Brakele & Mixebr: Inp Blie & Tykehill. Ita qd pax Re nre nō infringet', nc potestas Justiciaria minorabit' Nec de foresta nris dāpnū infrect'." [4] *of the King*

nre Seignr le Roi qore est, en quele est contenuz q̃ les Justices as assises p̄ndre assignez sils soient lais, facent les deliv̄ances; et si lun soit clerc, & lautre lais, q̃ le dit lais, associe a lui un autre du pais, facent la deliv̄ance des gaols; p qoi acorde est & establi, q̃ tiels Justiceries ne soient mes gr̄ntees countre la forme du dit estatut, & q̃ les assises, atteintes, & c̄tifications soient p'ses devant les Justices cōmunement assignez, q̃ soient bones gentz & loialx & conissantz de la lei, & nemie autres; solonc la forme dun autre statut fait en temps meisme le ael; et q̃ les oiers & t̄miners ne soient grantees forsq̄ ---- devant les Justices de lun Baunk & de lautre, ou les Justices errantz; & ce p' led & orrible trespas, & de lespeciale gr̄ce le Roi, solonc forme de statut de ce ordene en temps meisme le ael; & nemie autrement.

Ensement acorde est & establi, q̃ nul, gr̄nt ne petit de quele condicion qil soit, sauve les s̄jantz le Roi en la p̄sence le Roi, & les Ministres le Roi, enfesantz execucion des mandementz le Roi, ou de lour office, & ceux qi sont en lour compaignies, eidantz as ditz ministres, & auxint au cri de fait darmes de pees, & ce en lieux ou tielx faitz se ferront, soit si hardi de venir devant les Justices le Roi, ou autres Ministres le Roi enfesant lour office, a force & armes; ne force mesner en affrai de la pees, ne de chivaucher ne daler arme, ne de nuit ne de jour, en faires, marchees, nen p̄sence des Justices, ne dautres Ministres, ne nule part aillours, sur peine de p̄dre lour armures au Roi & de lour corps a la prisone a la volunte le Roi. Et q̃ Justices le Roi en lour p̄sences, viscountes & autres Ministres le Roi en lour baillies, seign's des fraunchises & lour baillifs en yceles, & Meire & Baillifs des Citees & Burghs deinz meismes les Citees & Burghs, Burghaldres, conestables, & gardeins de la pees deinz lour gardes, eient poair affaire execucion de cest acord. Et q̃ les Justices assignez, a lour venu en pais, eient poair denquere coment tielx Ministres & seign's ont use lour office en ce, & de punir ceux qils trov̄ont, qi nount mie fait ce q̃ a lour office appent.

Et p'ce q̃ la pees ne poet mie estre bien garde sauntz bons ministres, come Viscountes, Baillifs, & Hundreders qi deivent faire execucion, auxibien des p'vetez le Roi come dautres choses tochantes le Roi & son poeple, acorde est & establi q̃ lestatut fait en temps le Roi Edward, piere le Roi qore est, a Nicole, contenant q̃ Viscontes, Hundreders & Baillifs soient des gentz eantz p̄res en meismes les Countez, ou baillies, soit garde en touz pointz solonc la forme dycel, & auxint q̃ les Viscountes & Baillifs de fee, facent garder meismes lour Countez & Baillies p gentz eantz p̄res en yceles.

Ensement la ou ordine est, p statut de Westmonst̄ le secund, q̃ ceux q̃ liv̄er volent lour briefs as viscountes, les liv̄ent en plein Counte, ou en rerecounte, & q̃ visconte ou southvisconte facent sur ce bille; acorde est & establi q̃ a quele heure ou a queu lieu deinz le Counte home livre a viscountes, ou a southviscontes, briefs, qils les rescevent & facent bille en la forme contenue en le dit estatut, & ce sanz rien p̄ndre; et sils refusent de faire bille, mettent autres lour sealx qi s̄ront p̄sentz; et si le Viscounte ou le Southviscounte ne retorne mie les briefs, soient puniz solonc la forme contenue en le dit estatut; & jadumeins eient les Justices as assises p̄ndre assignez poair denquer de ce a chescuny pleinte & de agarder damages, eant regard au delai, & a les ptes & pils qi p'ront avenir.

THE COLONIAL LAWS OF MASSACHUSETTS.

REPRINTED FROM THE EDITION OF 1672,
WITH THE SUPPLEMENTS THROUGH 1686.

Published by Order of the City Council of Boston,

UNDER THE SUPERVISION OF WILLIAM H. WHITMORE,
RECORD COMMISSIONER.

CONTAINING A NEW AND COMPLETE INDEX.

BOSTON:
1887.

and Chattel as ſhall be found in any Corn-field or other incloſure.

And whoſoever Impounds any Swine or Chattel, ſhall give preſent notice to the Owner if he be known, or otherwiſe they ſhall be cryed at the two next Lectures or Markets; And if Swine or Chattel eſcape out of Pound, the Owner if known, ſhall pay all damages according to Law. *A. 57. p. 24.*

And every perſon or perſons having notice given them, or otherwiſe left in writing at their Houſe or place of their uſual abode, of any of their Chattel Impounded or otherwayes Reſtrained, ſhall forthwith give ſatisfaction to the party ſo wronged, or otherwiſe Replevie their Chattel, and proſecute the ſame according to Law, upon peril of ſuffering all the loſs and damage that ſhall come to their Chattel by ſtanding in the Pound or other lawful place of Reſtraint. [*1645, 47, 57.*] Cattle impounded to be replevied or damage ſatisfied

2. And if any perſon ſhall reſiſt or reſcue any Chattel going to Pound, or ſhall by any way or means convey them out of Pound or other Cuſtody of the Law, whereby the party wronged may loſe his damages, and the Law be deluded, that in caſe of meer reſcues, the party ſo offending ſhall forfeit to the Treaſury *forty ſhillings*. Reſcues and Pound breach Fine of

And in caſe of Pound breach *five pounds*, and ſhall alſo pay all damages to the party wronged, and if in the reſcues any bodily harm be done to the perſon of any Man or other Creature, they may have remedy againſt the Reſcuers; And if either be done by any not of ability to anſwer the forfeiture and damages aforeſaid, they ſhall be openly Whipped by Warrant from any Magiſtrate before whom the offender is convicted in the Town or Plantation where the offence was committed, not exceeding *twenty ſtripes* for the meer Reſcue or Pound breach; And for all damages to the party, they ſhall ſatisfie by ſervice, as in caſe of Theft. be whipped

And if it appear there were any procurement of the Owner of the Chattel thereunto, and that they were Abetters therein, they ſhall pay forfeiture and damages as if themſelves had done it. [*1647.*]

POWDER.

WHereas *by favour of the Government in* England, *ſeveral quantities of Powder and other Amunition are yearly Imported into this Juriſdiction for our neceſſary uſe and defence; To the end the favour we receive may not be Abuſed, nor our ſelves Deprived of the juſt and neceſſary uſe thereof;* *A. 52. p. 3.*

It is hereby Ordered and Enacted; That all Merchants or others, that ſhall import into this Juriſdiction either Powder, Lead, Bullets Shot, or any Amunition whatſoever, ſhall give particular notice of the quantity thereof to the *Publick Notary*, upon the pain and penalty of *forty pounds*, within one Month after the Landing of ſuch Goods, who is hereby enjoyned to take particular notice of the ſame, with the Mark and Number, and faithfully to enter the ſame in a Book, and the Names of the Perſons to whom they are ſold, or into whoſe Cuſtody or power Powder imported to be Entred with the publick Notary

power they are committed, that he may give account thereof upon Oath to the Governour, Deputy Governeur or any of the Councel from time to time; And the ſaid Notary is hereby prohibited, upon the penalty of *one hundred pounds*, to grant Certificate to any Merchant or other of any ſuch Goods but ſuch as he ſhall have particular notice of, and entred as aforeſaid.

And to the end this Order may be duely obſerved, and that no perſon may plead ignorance thereof;

It is hereby Ordered, That the Captain of the Caſtle ſhall upon the arrival of any Ship or Veſſel in the Maſſachuſets Bay, from any forraign parts, give notice of the contents of this Order, to the Maſter or Merchant of any ſuch Veſſels, and the Conſtables of all other Port-Towns in this Juriſdiction, are hereby required to do the ſame. [*1651.*]

L. 1. p. 45. 2. And it is further Ordered; That no perſon (except for the defence of themſelves and their Veſſels at Sea) ſhall tranſport any Gunpowder out of this Juriſdiction, without licenſe firſt obtained from ſome two of the Magiſtrates, upon penalty of forfeiting all ſuch Powder as ſhall be tranſporting or tranſported, or the value thereof.

And that there may be no defect for want of an Officer to take care herein;

Searchers for powder exporting

This Court, the Court of Aſſiſtants, or any Shire Court, ſhall appoint meet perſons, from time to time in all needful places, who have hereby power granted them, to ſearch all Perſons and Veſſels that are or any way ſhall be ſuſpicious to them to be breakers of this Order, and what they finde in any Veſſel or Hands, without licenſe as aforeſaid, to ſeize the ſame, and to keep the one half to their own uſe in recompence of their pains, and to deliver the other half forthwith to the Treaſurer. [*1645, 51.*]

Preſcriptions.

IT is Ordered, Decreed, and by this Court Declared; That no Cuſtome or Preſcription ſhall ever prevail amongſt us in any Moral caſe, (our meaning is) to maintain any thing that can be proved to be Morally ſinful by the Word of God. [*1641.*]

Priſoners, Priſon, Houſe of Correction.

Priſoners carried at their own charge

IT is Ordered; That ſuch Malefactors as are committed to any common Priſon, ſhall be conveyed thither at their own charge if they be able, otherwiſe at the charge of the Country. [*1646.*]

2. *For*

THE

PUBLIC RECORDS

OF THE

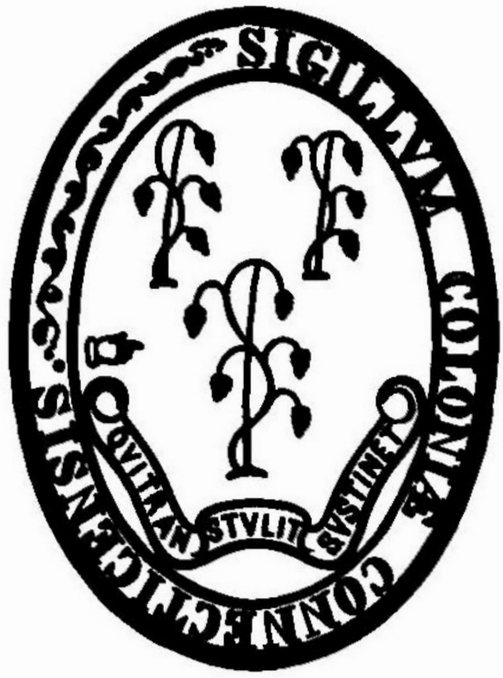
COLONY OF CONNECTICUT,

From May, 1775, to June, 1776, inclusive,

WITH THE JOURNAL OF THE COUNCIL OF SAFETY FROM JUNE 7, 1775, TO OCTOBER 2, 1776,

AND

AN APPENDIX CONTAINING SOME COUNCIL PROCEEDINGS, 1663–1710.



TRANSCRIBED AND EDITED IN ACCORDANCE WITH A RESOLUTION OF THE GENERAL ASSEMBLY,

BY CHARLES J. HOADLY, LL.D.,
STATE LIBRARIAN.

[Vol. XV]

HARTFORD:
PRESS OF THE CASE, LOCKWOOD & BRAINARD COMPANY.
1890.

And it is further provided, That the provisions of this act shall not extend to include or affect the 24th regiment of militia in this Colony.

[526] An Act for encouraging the Manufactures of Salt Petre and Gun Powder.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That there shall be given and paid out of the Colony treasury a premium or bounty of ten pounds for every hundred pounds weight of good and merchantable salt petre or nitre that shall be made and manufactured in this Colony between the first day of June 1776 and the first day of January 1777, and so in proportion for a greater or lesser quantity: Always provided, That in case any proprietor of salt petre works or manufacturer of salt petre shall, upon application and request made to him by any person or persons, neglect or refuse to communicate a full account of the materials out of which and the process by which such salt petre or nitre is made, such proprietor or manufacturer shall not be entituled to have or receive the aforesaid bounty or premium for any salt petre or nitre he shall make; anything herein contained notwithstanding.

Be it further enacted, That a suitable number of inspectors of salt petre or nitre be appointed by the General Assembly, and that the claimants of the premium or bounty given by this or any former act for the manufacture of salt petre or nitre shall procure the salt petre or nitre by them made to be inspected by one or more of said inspectors, and shall also make oath before such inspector, which oath such inspector is hereby enabled to administer, that such salt petre or nitre was made and manufactured in this Colony out of materials collected therein by him or them, or for his or their account, and that no other certificate hath been had or given for the same; and thereupon said inspector shall give to the claimant or claimants a certificate of the quantity and quality of such salt petre or nitre, and that proof hath been made as aforesaid that the same was manufactured in this Colony by such claimant or claimants; which certificate

being laid before the Committee of the Pay-Table, they shall draw an order on the Colony Treasurer to pay such claimant or claimants the amount of the aforesaid bounty or premium on such nitre or salt petre out of the Colony treasury and charge the same to the Colony's account, who shall accept and pay such order accordingly.

Be it also enacted, That every town in this Colony, which hath and doth send Representatives to the General Assembly, in which salt petre or nitre works are not or shall not be erected and the manufacture of salt petre is not or shall not be carried on by some private person or persons, shall be and are hereby enjoined as soon as may be to erect one set of such works and carry on the manufacture of nitre or salt petre in the same; and that it shall be the duty of the selectmen of each town in this Colony, and they are hereby authorized and enjoined, at the expence and for the benefit of said town, to cause such works to be erected and said manufacture to be carried on in the same accordingly.

Be it also enacted, That no salt petre, nitre or gun-powder made and manufactured, or that shall be made and manufactured in this Colony, shall be exported out of the same by land or water without the licence of the General Assembly or his Honor the Governor and Committee of Safety, under the penalty of twenty pounds for every hundred weight of such salt petre, nitre or gun-powder, and proportionably for a greater or lesser quantity so without licence exported; to be recovered by bill, plaint or information, in any court of record in this Colony by law proper to take cognizance thereof.

And whereas it is necessary that two powder-mills be immediately erected in this Colony for manufacturing gun-powder,

Be it further enacted by the authority aforesaid, That a bounty or premium of thirty pounds shall be paid out of the Colony treasury to the person or persons who shall erect the first powder-mill in this Colony, and shall make and manufacture therein five hundred pounds weight of good and merchantable gun-powder; also that a bounty or premium

of thirty pounds shall be paid out of the Colony treasury to the person or persons who shall erect the second powder-mill in this Colony and make or manufacture therein five hundred pounds weight of good and merchantable gun-powder.

Be it further enacted, That the inspector or inspectors who shall inspect and give a certificate for any quantity of salt petre, as before directed, shall purchase and receive such salt petre for the Colony's use and benefit, and give his or their receipt therefor to the claimant or claimants, who shall be paid therefor out of the Colony treasury at such price as the General Assembly shall ascertain and affix.

And whereas it is expedient that powder-mills should be so situated as to accommodate the public in the best manner,

Be it further enacted by the authority aforesaid, That no powder-mill shall be erected in this Colony for the manufacture of gun-powder without the licence of the General Assembly, or in their recess of the Governor and Council, first had and obtained, under the penalty of thirty pounds for every such offence, to be recovered as the other foregoing penalties in this act are above directed to be recovered.

An Act for restraining and punishing Persons who are inimical to the Liberties of this and the Rest of the United Colonies, and for directing Proceedings therein.

[527] *Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same*, That if any person within this Colony shall directly or indirectly supply the ministerial army or navy with provisions, military or naval stores, or shall give any intelligence to the officers, soldiers or mariners belonging to said army or navy, or shall inlist or procure any others to inlist into the service of said army or navy, or shall take up arms against this or either of the United Colonies, or shall undertake to pilot any of the vessels belonging to said navy, or in any other ways shall aid or assist them, and be thereof duly convicted before the superior court, shall forfeit all his estate, which shall be accordingly seized by order of said court for the use of this Colony; and such person shall be further punished by imprisonment in any of the goals in this Colony

Hoadly, Charles J. The Public Records Of The Colony Of Connecticut. Vol. 15, Case, Lockwood & Brainard Company., 1890. The Making of Modern Law: Primary Sources, link.gale.com/apps/doc/DT0103975079/MMLP?u=wash50473&sid=ebsco&pg=194. Accessed 16 Nov. 2023.

Juſtices to tender the Oaths of Abjuration and Allegiance to ſuſpected Perſons.

4. AND BE IT ENACTED *by the Authority aforeſaid*, That any two Juſtices of the Peace ſhall, and they hereby are empowered and directed to convene by Summons or Warrant any Perſon whatſoever, whom they ſhall ſuſpect to be dangerous or diſaffected to the preſent Government, and to tender and adminiſter to him the Oaths of Abjuration and Allegiance, ſet forth in an Act, entitled, *An Act for the Security of the Government of* New-Jerſey, paſſed the nineteenth of *September* One Thouſand Seven Hundred and Seventy-ſix. And if any Perſon, to whom the ſaid Oath ſhall be tendered, ſhall neglect or refuſe to take the ſame, the ſaid Juſtices ſhall bind him over with ſufficient Sureties, to appear at the next Court of General Quarter-Seſſions of the Peace, and to be in the mean-while of good Behaviour; and in Default of ſufficient Sureties, or on Refuſal to be bound, the ſaid Juſtices are hereby empowered and directed to commit ſuch Offender to cloſe Gaol, and certify the ſame, with the Cauſe of Commitment, under their Hands and Seals, to the next Court of General Quarter-Seſſions of the Peace, where, if ſuch Offender refuſe to take the ſaid Oaths, he ſhall continue bound to his good Behaviour, or be fined, or impriſoned, as the ſaid Court ſhall deem neceſſary.

Paſſed at Princeton, October 4, 1776.

CHAP. VI.

An ACT *for the Inſpection of Gun-Powder.*

Preamble.

WHEREAS the vending of damaged or bad Gun-Powder within this State, eſpecially in the Time of War, may be of the moſt dangerous Conſequence;

No Gun-Powder to be ſold without Inſpection, &c.

Sect. 1. BE IT THEREFORE ENACTED *by the Council and General Aſſembly of this State, and it is hereby Enacted by the Authority of the ſame*, That any Perſon who, from and after the Publication of this Act, ſhall offer any Gun-Powder for Sale, without being previouſly inſpected and marked as is herein after directed, ſhall forfeit, for every

Penalty.

ſuch Offence, the Sum of *Five Shillings* a Pound for every Pound weight ſo offered for Sale, and ſo in Proportion for greater or leſſer Quantity; to be recovered in any Court where the ſame may be cognizable, and applied the one Half to the Perſon who ſhall proſecute therefor, and the other Half to be paid to the Treaſurer for the Uſe of the State.

Inſpectors;

2. That *Jacob Zabriſkie* of *Bergen* County, *Jonathan Sears* of *Eſſex*, *Samuel H. Sullivan* of *Middleſex*, *Kenneth Henkinſon* and *Jacob Cook* of *Monmouth*, *Abraham Staats* of *Somerſet*, *Samuel Day* and *Daniel Lindſly* of *Morris*, *William Perine* of *Suſſex*, *David Cowell* of *Hunterdon*, *Joſiah Foſter* and *John Leek* of *Burlington*, *Joſeph Hugg*, *John Somers* and *Thomas Clark* of *Glouceſter*, *Curtis Trenchard* of *Salem*, *Enos Seeley* of *Cumberland*, and *Joſeph Ludley* and *Abraham Bennet* of *Cape-May*, be, and

their Duty,

they hereby are appointed Inſpectors of Gun-Powder; who are directed to paſs or mark no Gun-Powder but ſuch as is good as to its Quickneſs in Firing, Strength, Dryneſs, and other Qualities; and who, before they

they do any Thing in the Execution of their Office, ſhall ſeverally take, before any Juſtice of the Peace for the County in which they reſide, the following Oath or Affirmation, *I* A B *will well and truly execute the Office of Inſpector of Gun-Powder for this State, according to the beſt of my Skill and Underſtanding, and agreeable to the Directions of an Act, entitled,* An *Act* for the Inſpection of Gun-Powder. and Qualification.

3. That every Inſpector ſhall mark each Caſk of Gun-Powder, by him approved, with the Letters S N I, and ſuch other Marks as are neceſſary to diſtinguiſh the ſeveral Sorts of Gun-Powder. Inſpector to mark.

4. That every Maker of Gun-Powder ſhall pack his Powder in dry well-ſeaſoned Caſks, and mark every Caſk in which he ſhall pack the ſame with the initial Letters of his Name. Maker to pack, &c.

5. That every Inſpector who ſhall neglect or refuſe to do any of the Duties enjoined by this Act, ſhall forfeit for each Offence the Sum of *Five Pounds*, to be recovered and applied in like Manner and Form as the Fines and Penalties herein before-mentioned. Penalty.

6. That every Inſpector ſhall be allowed the one Eighth Part of a Dollar for every Hundred Weight of Gun-Powder he ſhall examine, to be paid by the Owner of ſaid Powder; provided, that no Inſpector ſhall be obliged to ride more than ten Miles to inſpect any Quantity of Gun-Powder leſs than one Thouſand Weight, without being allowed by the Owner thereof the Sum of *Three-pence* a Mile for going, and *Three-pence* a Mile for returning, over and above the Fees of Inſpection allowed by this Act. PROVIDED ALSO, That Powder inſpected by Order of the Continental Congreſs, or by any Perſon legally authoriſed for that Purpoſe, in any of the neighbouring States, ſhall be ſubject to Inſpection by Virtue of this Act, any Thing herein to the contrary notwithſtanding. Inſpector's Wages.

7. That in caſe of the Death, Removal, Diſability or Reſignation of any Inſpector, the Court of General Quarter-Seſſions of the County where the ſame ſhall happen, are hereby authoriſed to appoint an Inſpector to ſupply ſuch Vacancy, who ſhall take the Oath or Affirmation, perform the Duty, and be ſubject to the Forfeitures in and by this Act preſcribed. Inſpector dying, &c. who to appoint another.

Paſſed at Princeton, October 4, 1776.

CHAP. VII.

An ACT *for eſtabliſhing a Court of Admiralty and Cuſtom-Houſes within the State of* New-Jerſey.

Sect. 1. BE IT ENACTED *by the Council and General Aſſembly of this State, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful for the Governor or Commander in Chief for the Time being, with the Conſent of the Council, any

E three

A COLLECTION

OF ALL SUCH

ACTS

OF THE

GENERAL ASSEMBLY

OF

VIRGINIA,

OF A PUBLIC AND PERMANENT NATURE, AS ARE NOW IN FORCE;

WITH A TABLE OF THE PRINCIPAL MATTERS.

TO WHICH ARE PREFIXED THE DECLARATION OF RIGHTS, AND CONSTITUTION, OR FORM OF GOVERNMENT.

PUBLISHED PURSUANT TO AN ACT OF THE GENERAL ASSEMBLY, INTITULED, "AN ACT PROVIDING FOR THE REPUBLICATION OF THE LAWS OF THIS COMMONWEALTH," PASSED ON THE TWENTY-EIGHTH DAY OF DECEMBER, ONE THOUSAND SEVEN HUNDRED AND NINETY-TWO. 13 Hen. 531

RICHMOND:

Printed by Auguſtine Davis, Printer for the Commonwealth, 1794.

1786.

terpoſition diſarmed of her natural weapons, free argument and debate, errors ceaſing to be dangerous when it is permitted freely to contradict them :

II. *BE it enacted by the General Aſſembly*, That no man ſhall be compelled to frequent or ſupport any religious worſhip, place, or Miniſtry whatſoever, nor ſhall be enforced, reſtrained, moleſted, or burthened in his body or goods, nor ſhall otherwiſe ſuffer on account of his religious opinions or belief; but that all men ſhall be free to profeſs, and by argument to maintain, their opinions in matters of religion, and that the ſame ſhall in no wiſe diminiſh, enlarge, or affect their civil capacities.

No man compelled to frequent or ſupport any religious worſhip. All men free to profeſs, and by argument to maintain their religious opinions.

III. AND though we well know that this Aſſembly elected by the people for the ordinary purpoſes of legiſlation only, have no power to reſtrain the Acts of ſucceeding Aſſemblies, conſtituted with powers equal to our own, and that therefore to declare this Act to be irrevocable, would be of no effect in law; yet we are free to declare, and do declare, that the rights hereby aſſerted, are of the natural rights of mankind, and that if any Act ſhall be hereafter paſſed to repeal the preſent, or to narrow its operation, ſuch Act will be an infringement of natural right.

Declaration that the rights by this Act aſſerted, are of the natural rights of mankind.

General Aſſembly, begun and held at the Public Buildings, in the City of *Richmond*, on *Monday*, the 16th Day of *October*, in the Year of our Lord, 1786.

C H A P. XXI.

An Act forbidding and puniſhing Affrays.

[Paſſed the 27th of November, 1786.]

BE *it enacted by the General Aſſembly*, That no man, great nor ſmall, of what condition ſoever he be, except the Miniſters of Juſtice in executing the precepts of the Courts of Juſtice, or in executing of their office, and ſuch as be in their company aſſiſting them, be ſo hardy to come before the Juſtices of any Court, or other of their Miniſters of Juſtice, doing their office, with force and arms, on pain to forfeit their armour to the Commonwealth, and their bodies to priſon, at the pleaſure of a Court; nor go nor ride armed by night nor by day, in fairs or markets, or in other places, in terror of the Country, upon pain of being arreſted and committed to priſon by any Juſtice on his own view, or proof by others, there to abide for ſo long a time as a Jury, to be ſworn for that purpoſe by the ſaid Juſtice, ſhall direct, and in like manner to forfeit his armour to the Commonwealth; but no perſon ſhall be impriſoned for ſuch offence by a longer ſpace of time than one month.

Puniſhment of perſons going armed before Courts of Juſtice, or the Miniſters of Juſtice, or in fairs or markets in terror of the Country

C H A P. XXII.

An Act againſt Conſpirators.

[Paſſed the 27th of November, 1786.]

BE *it declared and enacted by the General Aſſembly*, That Conſpirators be they that do confederate and bind themſelves by oath, covenant, or other alliance, that every of them ſhall aid and bear the other falſely and malicioufly, to move or cauſe to be moved any indictment or information againſt another on the part of the Commonwealth, and thoſe who are convicted thereof at the ſuit of the Commonwealth, ſhall be puniſhed by impriſonment and amercement, at the diſcretion of a Jury.

Who ſhall be deemed conſpirators.

I

BY AUTHORITY OF CONGRESS.

THE

Public Statutes at Larg

OF THE

UNITED STATES OF AMERICA,

FROM THE

ORGANIZATION OF THE GOVERNMENT IN 1789, TO MARCH 3, 1845.

ARRANGED IN CHRONOLOGICAL ORDER.

WITH

REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT ACTS ON THE SAME SUBJECT,

AND

COPIOUS NOTES OF THE DECISIONS

OF THE

Courts of the United States

CONSTRUING THOSE ACTS, AND UPON THE SUBJECTS OF THE LAWS.

WITH AN

INDEX TO THE CONTENTS OF EACH VOLUME,

AND A

FULL GENERAL INDEX TO THE WHOLE WORK, IN THE CONCLUDING VOLUME.

TOGETHER WITH

The Declaration of Independence, the Articles of Confederation, and the Constitution of the United States;

AND ALSO,

TABLES, IN THE LAST VOLUME, CONTAINING LISTS OF THE ACTS RELATING TO THE JUDICIARY, IMPOSTS AND TONNAGE, THE PUBLIC LANDS, ETC.

EDITED BY

RICHARD PETERS, ESQ.,

COUNSELLOR AT LAW.

VOL. I.

BOSTON:

CHARLES C. LITTLE AND JAMES BROWN.

1848.

shall be the duty of the Secretary of the Treasury to provide, by contract, which shall be approved by the President of the United States, for building a lighthouse on the island of Seguin, near the entrance of the river Kennebeck, in the district of Maine, (the commonwealth of Massachusetts having ceded to the United States ten acres of the said island, for that purpose) and to furnish the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons, who may be appointed by the President, for the superintendence and care of the same: And the President is hereby authorized to make the said appointments: That the number or disposition of the light or lights in the said lighthouse, be such as may tend to distinguish it from others, as far as is practicable.

contract for building lighthouse on the island of Seguin with approbation of the President.

President to appoint superintendent.

SEC. 2. *And be it further enacted*, That a sum not exceeding five thousand dollars be appropriated for the same, out of any monies heretofore appropriated, which may remain unexpended, after satisfying the purpose for which they were appropriated, or out of any other monies which may be in the treasury, not subject to any prior appropriations.

Appropriation therefor.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, to cause a beacon to be erected, and three buoys to be placed at the entrance of Saint Mary's river in the state of Georgia, and that a sum, not exceeding three hundred dollars, be appropriated in like manner, as the sum for defraying the expenses for erecting a lighthouse on the island of Seguin, is appropriated by this act, for the purpose of defraying the charges of erecting and placing the same.

Secretary of Treasury to cause beacon, &c. to be placed at St. Mary's river, &c.

Appropriation therefor.

APPROVED, May 19, 1794.

STATUTE I.

May 19, 1794.

CHAP. XXXII.—*An Act further to authorize the Adjournment of Circuit Courts.*

Act of Sept. 24, 1789, ch. 20.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a circuit court in any district, when it shall happen that no justice of the supreme court attends within four days after the time appointed by law for the commencement of the session, may be adjourned to the next stated term by the judge of the district, or in case of his absence also, by the marshal of the district.

When circuit court may be adjourned by district judge or marshal.

APPROVED, May 19, 1794.

STATUTE I.

May 22, 1794.

CHAP. XXXIII.—*An Act prohibiting for a limited time the Exportation of Arms and Ammunition, and encouraging the Importation of the same.*

[Obsolete.]

Exportation of arms and ammunition prohibited for one year. 1795, ch. 53. 1797, ch. 2.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall not be lawful to export from the United States any cannon, muskets, pistols, bayonets, swords, cutlasses, musket balls, lead, bombs, grenados, gunpowder, sulphur or saltpetre, but the exportation of all the aforesaid articles are hereby prohibited for and during the term of one year.

SEC. 2. *And be it further enacted*, That any of the aforesaid articles, excepting such of them as may constitute a part of the equipment of any vessel, which during the continuance of this prohibition shall be found on board of any vessel in any river, port, bay or harbor within the territory of the United States, with an intent to be exported from the United States to any foreign country, shall be forfeited, and in case the value thereof shall amount to four hundred dollars, the vessel on board of which the same shall be seized, together with her tackle, apparel and furniture shall also be forfeited. *Provided nevertheless*, That nothing in this act shall be construed to prohibit the removal or transportation of any of the articles aforesaid from one port to another port within the

Forfeiture on landing any of the said articles with intent to export them, &c.

United States in any vessel having a license as a coasting vessel, the master, agent or owner of which shall have given bond with one or more sufficient sureties to the collector of the district from which such vessel is about to depart, in a sum double the value of such vessel and of such of the said articles as may be laden on board her, that the said articles shall be re-landed and delivered in some port of the United States.

Vessel exporting said articles liable to forfeiture, &c.

Sec. 3. *And be it further enacted*, That if any of the articles aforesaid shall, contrary to the prohibitions of this act, be exported to any foreign country, the vessel in which the same shall have been exported together with her tackle, apparel and furniture, shall be liable to forfeiture, and the captain or master of such vessel shall forfeit and pay a sum not exceeding one thousand dollars.

Duty of custom-house officers herein.

Sec. 4. *And be it further enacted*, That it shall be the duty of the custom-house officers, and of all persons employed in the collection of the revenue, to attend to the execution of this law, and all forfeitures and penalties incurred under it, shall be sued for, prosecuted, adjudged and distributed in like manner as is provided in the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels."

1790, ch. 35.

Importation of brass cannon, muskets, &c. for two years free of duty.

Sec. 5. *And be it further enacted*, That all brass cannon, muskets and firelocks with bayonets suited to the same, pistols, swords, cutlasses, musket ball, lead, and gunpowder which shall be imported into the United States from any foreign country within the term of one year, and all sulphur and saltpetre which shall be so imported within the term of two years from and after the passing of this act, shall be free of duty, any thing in any former law to the contrary notwithstanding.

Approved, May 22, 1794.

Statute I.

May 30, 1794.

Chap. XXXIV.—*An Act to continue in force the act for the relief of persons imprisoned for debt.*

[Expired.]

Act for relief of persons imprisoned for debt, continued for two years.

Act of May 5, 1792, ch. 29. Repealed 1796, ch. 38.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, entitled "An act for the relief of persons imprisoned for debt," be continued, and that the same be in force for the term of two years from the passing of this act, and from thence to the end of the next session of Congress and no longer.

Approved, May 30, 1794.

Statute I.

May 30, 1794.

Chap. XXXV.—*An Act to alter the time for the next annual meeting of Congress.*

[Obsolete.]

Congress to meet first Monday in Nov. next.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the adjournment of the present session, the next annual meeting of Congress shall be on the first Monday in November next.

Approved, May 30, 1794.

Statute I.

May 30, 1794.

Chap. XXXVI.—*An Act further extending the time for receiving on loan the Domestic Debt of the United States.*

[Obsolete.]

Domestic debt, term for subscribing extended to 31st Dec. 1794.

1793, ch. 26. 1795, ch. 13.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the term for receiving on loan that part of the domestic debt of the United States which shall not have been subscribed in pursuance of the act, entituled "An act for extending the time for receiving on loan that part of the domestic debt of the United States which may not be subscribed

A C T S

PASSED AT THE FIRST SESSION OF THE FOURTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE,

BEGUN AND HELD AT KNOXVILLE, ON MONDAY, THE TWENTY FIRST DAY OF SEPTEMBER, ONE THOUSAND EIGHT HUNDRED AND ONE.

CHAPTER I.

AN ACT *to amend an act, entitled, "An act for the better eſtabliſhment and regulation of the militia in this ſtate."* (PASSED NOV. 14, 1801.

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That each regiment of militia in this ſtate ſhall be divided into two battalions, by the regimental court martial at their next ſitting after the paſſing of this act, having due reſpect to the convenience of the different companies, without regard to bounds or number; and the officers of each battalion ſhall have the privilege of chuſing their muſter ground, except where the regiment has been previouſly divided by law, and in that caſe the diviſion ſhall continue as heretofore, or be diſcontinued at the diſcretion of the court martial. The firſt battalion in each regiment ſhall hold a battalion muſter on the firſt Thurſday in April; the ſecond battalion on the third Thurſday in April annually; and a court martial ſhall be held in each battalion on the day ſucceeding the battalion muſter; ſuch muſters and courts martial to be conducted under the ſame rules, regulations and reſtrictions as regimental muſters and courts martial, reſerving to any perſon who may think himſelf aggrieved by any ſentence of ſuch court martial, the right of appeal to the next court martial of the regiment. And it ſhall be the duty of the adjutants to attend the battalion muſters in their reſpective regiments, and of the judge advocates to attend the battalion courts martial, and they ſhall perform the ſame duties which they are required to perform at regimental muſters and courts martial, and be allowed the ſame compenſation. And the major appointed to the command of each battalion ſhall attend the battalion muſters, and may preſide in the courts martial, or may direct the ſenior officer preſent to preſide; and if he ſhould be abſent, the officer next in rank ſhall perform the duties of the major at ſuch muſter or court martial.

Sec. 2. Be *it enacted*, That each regiment of infantry ſhall hold only one regimental muſter in each year, at their reſpective court houſes, on the Thurſday immediately preceding the firſt day of holding the courts in the ſeveral counties, in either of the months of September, October, and November annually, except the ſecond regiment of Davidſon county, who ſhall hold their regimental muſter at the place heretofore provided for by law, on the Thurſday ſucceeding the court of ſaid county, in the month of October in each and every year. And the brigadier general ſhall attend the ſeveral regimental muſters in his brigade, at leaſt once in two years, or oftener if he ſhall think neceſſary, and in ſuch rotations as he ſhall think proper, not inconſiſtent with this act, for the purpoſe of reviewing ſuch regiment, & making ſuch regulations as may appear to him neceſſary not otherwiſe inconſiſtent with this law. *Provided*,

grants, deeds, or meſne conveyances not being proved and regiſtered within this ſtate, it ſhall and may be lawful for ſuch perſon or perſons to prove and regiſter his, her, or their grants, deeds or meſne conveyances.

Sec. 2. Be *it enacted*, That this act ſhall be in force until the end of the next ſtated ſeſſion of the general aſſembly.

CHAP. XXI.

AN ACT *to amend an act, entitled,* "An act to aſcertain the boundaries of land, and for perpetuating teſtimony.—PASSED NOVEMBER 6, 1801.

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That all the privileges, benefits, and advantages ariſing under or accruing to others, by virtue of an act, entitled, "An act to aſcertain the boundaries of land, and for perpetuating teſtimony, paſſed at Knoxville in the year 1799, ſhall extend to the citizens reſident ſouth of French Broad and Holſton, and between the rivers Big Pigeon and Tenneſſee, holding or claiming, or that may hold or claim land by right of occupancy, ſo far as may reſpect their rights to, or the conditional or boundary lines of their reſpective claims or rights of occupancy and pre-emption in that tract of country, any thing in the proviſo to the fourth ſection of ſaid recited act to the contrary notwithſtanding.

CHAP. XXII.

AN ACT *for the reſtraint of idle and diſorderly perſons.*—PASSED NOVEMBER 13, 1801.

WHEREAS it becomes neceſſary for the welfare of the community, to ſuppreſs wandering, diſorderly and idle perſons:

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That any perſon or perſons who have no apparent means of ſubſiſtence, or neglect applying themſelves to ſome honeſt calling for the ſupport of themſelves and families, every perſon ſo offending, who ſhall be found ſauntering about neglecting his buſineſs, and endeavoring to maintain himſelf by gaming or other undue means, it ſhall and may be lawful for any juſtice of the peace of the county wherein ſuch perſon may be found, on due proof made, to iſſue his warrant for ſuch offending perſon, and cauſe him to be brought before ſaid juſtice, who is hereby empowered, on conviction, to demand ſecurity for his good behaviour, and in caſe of refuſal or neglect, to commit him to the goal of the county, for any term not exceeding five days, at the expiration of which time he ſhall be ſet at liberty if nothing criminal appears againſt him, the ſaid offender paying all charges ariſing from ſuch impriſonment; and if ſuch perſon ſhall be guilty of the like offence from and after the ſpace of thirty days, he, ſo offending, ſhall be deemed a vagrant, and be ſubject to one month's impriſonment, with all coſts accruing thereon, which if he neglects or refuſes to pay, he may be continued in priſon until the next court of the county, who may proceed to try the ſaid offender, and if found guilty by a verdict of a jury of good and lawful men, ſaid court may proceed to hire the offender for any ſpace of time not exceeding ſix months, to make ſatisfaction for all coſts, but if ſuch perſon or perſons ſo offending, be of ill fame, ſo that he or they cannot be hired for the coſts, nor give ſufficient ſecurity for the ſame and his future good behaviour, in that caſe it ſhall and may be lawful for the ſaid court to cauſe the offender to recive not exceeding thirty nine laſhes, on his bare back, after which he ſhall be ſet at liberty, and the coſts ariſing thereon ſhall become a county charge; which puniſhment may

be inflicted as often as the perſon may be guilty, allowing thirty days between the puniſhment and the offence.

Sec. 2. *Be it enacted*, That it ſhall not be lawful for any perſon or perſons of ill fame or ſuſpicious character, to remove him or themſelves from one county to another in this ſtate, without firſt obtaining a certificate from ſome juſtice of the peace of ſaid county or captain of his company, ſetting forth his intention in removing, whether to ſettle in ſaid county, or if travelling, to ſet forth his buſineſs and deſtination, and if ſuch traveller ſhould be deſirous to ſtay in any county longer than ten day, he ſhall firſt apply to ſome juſtice of ſaid county for leave, and obtain a certificate for that purpoſe, ſetting forth the time of his permiſſion, and if ſuch perſon ſhall be found loitering in ſaid county after the expiration of his permit, or fail to obtain the ſame agreeable to the true intent and meaning of this act, ſuch perſon or perſons ſo offending, may be apprehended by any perſon or perſons, and carried before ſome juſtice of the peace, who may enquire into his character and buſineſs; and fine him at his diſcretion, not exceeding ten dollars: but if ſaid traveller ſhall be found on examination, to be a perſon of ill fame, and there is reaſon to ſuſpect he is loitering in ſaid county for evil purpoſe, attempting to acquire a living by gambling, or other bad practices, ſuch juſtice ſhall have power to commit any perſon of like character, until he ſhall find good and ſufficient ſecurity for his good behaviour, for any time not exceeding ten days, and ſaid juſtice of the peace or court of the county ſhall proceed againſt ſuch offender, in the ſame manner as is heretofore preſcribed for vagrants.

Sec. 3 *Be it enacted*, That all and every keeper or keepers, exhibitor or exhibitors, of either of the gaming tables commonly called A. B. C. or E. O. tables, or faro bank, or of any other gaming cloth table, or bank of the ſame, or like kind, under any denomination whatever, ſhall be deemed and treated as a vagrant, and moreover it ſhall be the duty of any judge or juſtice of the peace, by warrant under his hand, to order ſuch gaming table or cloth to be ſeized and publicly burned or deſtroyed; ſaid warrant ſhall be directed to ſome one conſtable within the county, whoſe duty it ſhall be, forthwith to execute the ſame: *Provided*, That nothing herein contained, ſhall be ſo conſtrued as to extend to billiard tables.

Sec. 4. *Be it enacted*, That it ſhall not be lawful for any houſe keeper to harbor any idle perſon of the character aforeſaid, for any longer time than is heretofore ſpecified, under the penalty of twenty dollars for every ſuch offence, to be recovered by warrant before any juſtice of the peace of the county where the offence is committed.

Sec 5 *Be it enacted*, That it ſhall be the duty of each juſtice of the peace, on information being made on oath to him or them, that there is a perſon or perſons of the aforeſaid deſcription, loitering in his or their county, then and in that caſe he or they ſhall iſſue his or their warrant againſt ſuch perſon or perſons agreeable to this act: *And provided*, he or they ſhall neglect or refuſe ſo to do, it ſhall be deemed a miſdemeanor in office, for which he or they ſhall be impeachable, and on conviction be removed from office.

Sec 6 *Be it enacted*, That if any perſon or perſons ſhall publicly ride or go armed to the terror of the people, or privately carry any dirk, large knife, piſtol or any other dangerous weapon, to the fear or terror of any perſon, it ſhall be the duty of any judge or juſtice, on his

own view, or upon the information of any other perſon on oath, to bind ſuch perſon or perſons to their good behaviour, and if he or they fail to find ſecurities, commit him or them to goal and if ſuch perſon or perſons ſhall continue ſo to offend, he or they ſhall not only forfeit their recognizance, but be liable to an indictment, and be puniſhed as for a breach of the peace, or riot at common law.

Sec 7. *Be it enacted*, That if any perſon or perſons ſhall unlawfully cut out or diſable the tongue, put out an eye, ſlit a noſe, bite or cut off a noſe, ear or lip, or cut off or diſable any limb or member, or ſtab any perſon whatſoever, in doing ſo, to maim, wound or diſfigure in any of the manners before mentioned, ſuch perſon or perſons ſo offending, their counſellors, aiders and abettors, knowing of, and privy to the offence, ſhall be and are hereby declared to be felons, and ſhall ſuffer as in caſe of felony: *Provided nevertheleſs*, he or they ſhall be entitled to benefit of clergy, and be further liable to an action of damages to the party injured.

Sec 8. *Be it enacted*, That all fines inflicted by this act, ſhall be one half to him that will ſue for the ſame, and the other half to the uſe of the county.

Sec. 9 *Be it enacted*, That all laws and parts of laws, which come within the meaning and purview of this act, are hereby repealed.

CHAP. XXIII.

AN ACT *to authoriſe the ſeveral county courts of pleas and quarter ſeſſions to remit and mitigate fines and forfeitures on recognizances as therein mentioned*—(PASSED OCTOBER 12, 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the ſeveral courts of pleas and quarter ſeſſions in this ſtate, ſhall have power to remit or mitigate all fines by them inflicted, and all forfeitures on recognizances, previous to entering final judgment thereon: Provided, a majority, or any number not leſs than nine of the juſtices of ſaid county be preſent when ſuch remittance or mitigation ſhall be made.

Sec 2. *Be it enacted*, That ſo much of any other act as comes within the purview and meaning of this act is hereby repealed.

CHAP. XXIV.

AN ACT *concerning adminiſtrations granted on the eſtates of perſons dying inteſtate therein mentioned*.—(PASSED NOVEMBER 10, 1801.)

WHEREAS heretofore the courts of pleas and quarter ſeſſions, during the being of the temporary government called Franklin, granted adminiſtrations on the eſtates of perſons who died inteſtate, and have iſſued letters of adminiſtration accordingly, in virtue and by authority of which, the perſons ſo adminiſtering, have proceeded to adminiſter upon the goods and chattels, rights and credits of their inteſtates reſpectively: And whereas it will contribute to the peace and quiet of families, that adminiſtrations on ſuch eſtates, ſo as aforeſaid granted, be deemed and declared valid,

Sec 1. *BE it enacted by the General Aſſembly of the State of Tenneſſee*, That all adminiſtrations granted by any of the ſaid courts of pleas and quarter ſeſſions, and letters of adminiſtration by any of the aforeſaid courts iſſued, on the eſtate or eſtates of any perſon who died inteſtate, and all proceedings in virtue of ſuch letters of adminiſtration had and done, of, and concerning any ſuch eſtate, agreeably to, and in conformi-

THE

GENERAL LAWS

OF

Massachusetts,

FROM THE ADOPTION OF THE CONSTITUTION,

TO FEBRUARY, 1822.

WITH THE

CONSTITUTIONS

OF THE

United States and of this Commonwealth,

TOGETHER WITH

THEIR RESPECTIVE AMENDMENTS, PREFIXED.

REVISED AND PUBLISHED, BY

AUTHORITY OF THE LEGISLATURE,

IN CONFORMITY WITH A RESOLUTION PASSED

22D. FEBRUARY, 1822.

BY ASAHEL STEARNS & LEMUEL SHAW, ESQUIRES,
COMMISSIONERS.
THERON METCALF, ESQ. EDITOR.

IN TWO VOLUMES.

VOL. II.

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1823.

with the advice of the Council, is hereby authorized to make. And the gaoler so appointed shall give such bonds and in the same manner, as is required of a sheriff, for the faithful performance of the duties of his office, and shall continue in office during the vacancy in the office of sheriff.

Defaults of deputies, &c. after death, &c. of sheriff.

Sect. 2. *Be it further enacted*, That the defaults or misfeasances in office, of any gaoler, or deputy-sheriff, after the death or resignation of any sheriff, by whom he was appointed, shall be adjudged a breach of the condition of the bond given by such sheriff: *Provided, however*, that this act shall not be construed to make any surety, in any such bond, which has heretofore been given by such sheriff, liable to any suit which could not heretofore be legally prosecuted against him.

Proviso.

And, whereas doubts have arisen respecting the authority and duty of deputy-sheriffs to execute such precepts as may be in their hands at the time of the accruing of a vacancy in the office of sheriff in certain cases: Therefore,

Deputy sheriffs to serve precepts in their hands at the time a vacancy happens in the office of sheriff.

Sect. 3. *Be it further enacted*, That in every case of a vacancy in the office of sheriff in any county, by death, resignation, removal, or otherwise, every deputy sheriff, in office under such sheriff, having any writ or precept in his hands, at the time of such vacancy, shall have the same authority, and shall be under the same obligation to serve, execute, and return such writ or precept, as if such sheriff had continued in office. [*Feb.* 24, 1809.] Further add. acts—1811 ch. 102: 1813 ch. 189: 1822 ch. 20.

Chap. 47. An Act to incorporate certain persons as Trustees, to improve and manage a Fund towards the support of Schools, in the north westerly parish in the town of Boxford. [*Feb.* 27, 1809.]

Chap. 48. An Act to incorporate sundry persons into a Company, by the name of The Boylston Market Association. [*Feb.* 27, 1809.]

Chap. 49. An Act confirming the laying out the road of the Housatonick Turnpike Corporation, at and near the line of the State of New-York. [*Feb.* 27, 1809.]

1807 ch. 93.

Chap. 50. An Act to incorporate Benjamin Dearborn and others into a Society by the name and style of The Massachusetts Association for the encouragement of useful inventions. [*Feb.* 27, 1809.]

Chap. 51. An Act to incorporate Rufus Pierce and others, for certain purposes. [*Feb.* 27, 1809.]

Chap. 52. An Act providing for the appointment of Inspectors, and regulating the manufactory of Gun-Powder.

Governor to appoint inspectors of gunpowder.

Sect. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That his Excellency the Governor, by and with the advice of Council, be, and he is hereby authorized to appoint an inspector of gunpowder for every public powder magazine, and at every manufactory of gunpowder in this Commonwealth, and at such other places, as may by him be thought necessary; and his Excellency the Governor, by and with the advice of Council, is hereby further authorized and empowered to remove said inspectors, or any of them at pleasure, and may by new appointments from time to time fill any vacancy, or vacancies which may happen.

Sect. 2. *Be it further enacted*, That from and after the first day of July next, all gunpowder which shall be manufactured within this Commonwealth shall be composed of the following proportions, and quality of materials, that is, every one hundred parts of gunpowder, shall be composed of fourteen parts of fresh burnt coal, made from wood which forms the least ashes, and which has been carefully and well prepared, and made into coal, after being stripped of its bark, ten parts of pure sulphur, and seventy-six parts of purified nitre. Materials of which gunpowder shall be composed.

Sect. 3. *Be it further enacted*, That it shall be the duty of each of said inspectors to inspect, examine and prove all gunpowder, which after the first day of July next, shall be deposited at any public powder magazine, or manufactured in this Commonwealth, before the same shall be removed from the manufactory, or received into such public powder magazine, and if upon such inspection and examination it shall appear to the inspector, that such gunpowder is well manufactured, and composed of pure materials, and of the proper proportions of materials, and such gunpowder shall be of the proof herein after mentioned, the inspector shall mark each cask, containing gunpowder by him inspected, examined and proved as aforesaid, with the words Massachusetts Inspected Proof, and with his christian and surname, and shall also mark in figures upon each cask the quantity of powder contained therein, and the year in which the inspection is made. Duty of inspectors. Casks to be marked.

Sect. 4. *Be it further enacted*, That no gunpowder within this Commonwealth shall be considered to be of proof unless one ounce thereof, placed in the chamber of a four and an half inch howitzer, with the howitzer elevated so as to form an angle of forty-five degrees with the horizon, will, upon being fired, throw a twelve pound shot seventy-five yards at the least. Proof of powder.

Sect. 5. *Be it further enacted*, That whenever any of said inspectors shall discover any gunpowder, deposited at any public powder magazine, or any other place within this Commonwealth, which is not well manufactured, or which is composed of impure materials, or of an improper proportion of materials, and which shall not be of the proof herein before mentioned, the inspector in such case shall mark each cask containing such impure, ill manufactured or deficient gunpowder, with the word "Condemned" on both heads of the cask, and with the same word on the side thereof, with the christian and surname of the inspector on one head of the cask. Casks of bad powder to be marked.

Sect. 6. *Be it further enacted*, That if any person shall knowingly sell any condemned gunpowder, as and for good gunpowder, or shall fraudulently alter, or deface any mark, or marks, placed by any inspector upon any cask or casks containing gunpowder, or shall fraudulently put any gunpowder, which shall not have been inspected, or which has been condemned, into any cask or casks, which shall have been marked by any inspector, agreeably to the provisions contained in the Penalty for selling condemned powder for good, and for altering marks on casks, &c.

third section of this Act, every such person so offending shall forfeit and pay not less than two hundred, nor more than five hundred dollars, for each and every offence, to be recovered in an action of debt in any court of competent jurisdiction, one half to the use of the Commonwealth, the other half to the use of him or them, who shall sue and prosecute for the same.

Inspector to be sworn.

Sect. 7. *Be it further enacted*, That each inspector who may be appointed by virtue of this Act, shall, before he acts as inspector, be sworn to the faithful and impartial discharge of the duties of his office, and each inspector shall be allowed one

His fees.

cent for each pound of gunpowder by him examined, inspected and proved, whether the same be by him approved or condemned, to be paid by the owner or owners of the gunpowder.

Powder not to be sold or exported, before inspection.

Sect. 8. *Be it further enacted*, That if any manufacturer of gun powder shall sell or dispose of, or shall cause or permit to be sold or disposed of, or shall export, or cause to be exported without the limits of this Commonwealth, any powder of his manufacture, before the same has been inspected and marked agreeably to the provisions of this Act, he shall forfeit and pay the sum of fifty cents for every pound of powder so sold, disposed of, or exported, to be recovered in the manner provided in the sixth section of this Act.

Forfeiture for knowingly selling, &c. bad powder.

Sect. 9. *Be it further enacted*, That if any person within this Commonwealth, after the first day of July next shall knowingly sell, expose, or offer for sale within this Commonwealth any gunpowder which is not well manufactured, or which is composed of impure materials, and which shall not be of the proof herein before required, shall forfeit and pay not less than five dollars, nor more than fifty dollars, for each and every offence, to be recovered in the manner provided in the sixth section of this Act. [*March* 1, 1809.] Add. acts —1809 ch. 113 : 1810 ch. 73.

Chap. 53. An Act authorizing the several Courts of Common Pleas in this Commonwealth, to allow accounts, and order payment, for services and expenses incident to said courts.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the several Courts of Common Pleas in this Commonwealth be, and they are hereby authorized and empowered to receive, examine, and allow the accounts, and order payment out of the treasury of their respective counties for services and expenses incident to said courts, any law to the contrary notwithstanding. [*March* 1, 1809.] Power transferred to the Circuit Courts—1811 ch. 33 : and thence to the Court of Common Pleas for the Commonwealth—1820 ch. 79.

Chap. 54. An Act in addition to an Act, entitled, "An Act establishing the Hartford and Dedham Turnpike Corporation." [*March* 1, 1809.] Further add. act—1812 ch. 91.
1803 ch. 146.

Chap. 55. An Act to incorporate a Religious Society in the Second Parish in Shapleigh. [*March* 1, 1809.]

Chap. 56. An Act to incorporate a number of the inhabitants of the Town of Parsonsfield, in the County of York, into a Religious Society, by the name of The First Baptist Society in Parsonsfield. [*March* 1, 1809.]

ACTS

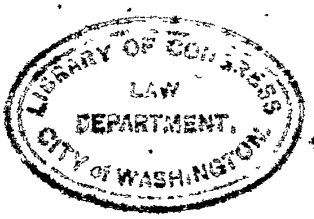
PASSED

AT THE SECOND SESSION

OF THE

FIRST LEGISLATURE

OF THE



STATE OF LOUISIANA,

BEGUN AND HELD AT THE CITY OF NEW ORLEANS, ON THE TWENTY THIRD DAY OF NOVEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND TWELVE.

BY AUTHORITY.

NEW ORLEANS:

PRINTED BY BAIRD & WAGNER, STATE PRINTERS.

1813.

ACTS

PASSED

AT THE SECOND SESSION

OF THE

FIRST LEGISLATURE

OF THE

STATE OF LOUISIANA.

greeable to the assessment; and the said trustees shall at the end of the time for which they were elected, render an account of the same to the parish judge, and should any sums be unappropriated, the same shall be paid into the hands of the parish judge in trust for the succeeding trustees, and in case of default of the trustees whose term of time is thus expired, it shall be the duty of the parish judge to summon them to a settlement, enter judgment and issue execution for arrearages if necessary.

Render account

Penalty for default.

SECT. 3. *And be it further enacted*, That the trustees shall appoint one clerk and one collector, whose term of service shall expire at the same time with that of the trustees, which said officers shall be entitled to such fees as the said trustees may deem proper to allow them.

Clerk and collector.

Fees.

STEPHEN A. HOPKINS,
Speaker of the house of representatives.
J. POYDRAS,
President of the senate.

APPROVED, March 25th, 1813.

WILLIAM C. C. CLAIBORNE,
Governor of the state of Louisiana.

AN ACT

Against carrying concealed weapons, and going armed in public places in an unnecessary manner.

Preamble

Whereas assassination and attempts to commit the same, have of late been of such frequent occurrence as to become a subject of serious alarm to the peaceable and well disposed inhabitants of this state; and whereas the same is in a great measure to be attributed to the dangerous and wicked practice of carrying about in public places concealed and deadly weapons, or going to the same armed in an unnecessary manner, therefore;

SECT. 1. *Be it enacted by the senate and house of representatives of the state of Louisiana, in general assembly convened*, That from and after the passage of this act, any person who shall be found with any concealed weapon, such as a dirk, dagger, knife, pistol or any other deadly weapon concealed in his bosom, coat or in any other place about him that do not appear in full open view, any person so offending, shall on conviction thereof before any justice of the peace, be subject to pay a fine not to exceed fifty dol-

Penalty for carrying concealed weapons.

esclaves) et pour son usage, d'une piastre sur chaque mille piastres, suivant le tableau des taxes; et lesdits administrateurs, à l'expiration du terme pour lequel ils auront été élus, en rendront compte au juge de la paroisse, et, s'il restait en caisse des fonds disponibles, ils seront versés entre les mains du juge de paroisse qui les gardera jusqu'à la nomination d'autres administrateurs, et si lesdits administrateurs, à l'expiration du terme pour lequel ils auront été élus, négligeaient de rendre le compte susdit, il sera du devoir du juge de paroisse de les sommer de rendre leurs comptes et de les poursuivre en justice et de lancer contre eux des mandats d'execution pour les sommes arriérées, s'il le juge nécessaire.

Redition du compte,

Peines pour defaut.

SECT. 3. *Et il est de plus décrété*, Que lesdits administrateurs nommeront un commis et un collecteur de taxe, dont le tems de service finira en même tems que celui des administrateurs et qui auront droit à la compensation que les administrateurs jugeront à propos de leur accorder.

Commis et collecteur.

Compensation.

STEPHEN A. HOPKINS,
Orateur de la Chambre des Représentans,
J. POYDRAS,
Président du Sénat.

Approuvé le 25 Mars 1813.
WM. C. C. CLAIBORNE,
Gouverneur de l'Etat de la Louisiane.

ACTE

Pour défendre de porter des armes cachées et de se présenter armé d'une manière inutile dans les endroits publics.

Vu qu'il s'est commis dernièrement des assassinats et qu'il a été essayé d'en commettre d'autres de manière à causer de sérieuses allarmes aux habitans paisibles et bien disposés de cet état, et vu qu'on doit en grande partie attribuer la cause de ces assassinats à la coûtume pernicieuse et condamnable de porter dans des endroits publics, des armes cachées et dangereuses, ou de s'y rendre armé d'une manière inutile,

Preambule.

SECT. 1ère. *Il est décrété par le sénat et la chambre des Représentans de l'Etat de la Louisiane réunis en Assemblée Générale*, Qu'à dater de la passation de cet acte, toute personne qui sera trouvee armée d'aucune arme cachée, tels que poignard, dague, couteau, pistolet ou toute autre arme meurtrière dans son habit ou ailleurs sur lui et qui ne seront point ostensibles, toute personne coupable de cette contravention, sera, sur conviction du fait, devant un juge-de-paix, condamné à une amende qui n'excédera pas

Peines contre ceux qui portent des armes cachees.

How distributed.

lars nor less than twenty dollars, one half to the use of the state, and the balance to the informer; and should any person be convicted of being guilty of a second offence before any court of competent jurisdiction, shall pay a fine not less than one hundred dollars to be applied as aforesaid, and be imprisoned for a time not exceeding six months.

For the second offence.

Penalty for stabbing &c.

SECT. 2. *And be it further enacted*, That should any person stab or shoot, or in any way disable another by such concealed weapons, or should take the life of any person, shall on conviction before any competent court suffer death, or such other punishment as in the opinion of a jury shall be just.

Suspected persons may be searched.

SECT. 3. *And be it further enacted*, That when any officer has good reason to believe that any person or persons have weapons concealed about them, for the purpose of committing murder, or in any other way armed in such a concealed manner, on proof thereof being made to any justice of the peace, by the oath of one or more credible witnesses, it shall be the duty of such judge and justice to issue a warrant against such offender and have him searched, and should he be found with such weapons, to fine him in any sum not exceeding fifty dollars nor less than twenty dollars, and to bind over to keep the peace of the state, with such security as may appear necesary for one year; and on such offender failing to give good and sufficient security as aforesaid; the said justice of the peace shall be authorised to commit said offender to prison for any time not exceeding twenty days.

Fine.

Sureties of the peace.

STEPHEN A. HOPKINS,
Speaker of the house of representatives.
J. POYDRAS,
President of the senate.

APPROVED, March 25th, 1813.
WILLIAM C. C. CLAIBORNE,
Governor of the state of Louisiana.

AN ACT

To establish a permanent seat of justice in and for the parish of St. Tammany.

Commissioners.

SECT. 1. *Be it enacted by the senate and house of representatives of the state of Louisiana, in general assembly convened*, That Thomas Spell, Robert Badony, Benjamin Howard, Joseph Hertraire and Ben-

cinquante piastres et qui ne sera pas moindre de vingt piastres, dont moitié au profit de l'état, et le reste au profit du dénonciateur; et toute personne convaincue de récidive devant toute cour de juridiction compétente, sera condamnée à une amende qui ne pourra être moindre de cent piastres dont il sera disposé comme ci-dessus et à un emprisonnement qui ne pourra excéder six mois. Distribution. Recidive.

SECT. 2. *Et il est de plus décrété*, Que toute personne qui poignardera, blessera ou tirera en aucune manière sur toute autre personne ou personnes, avec des armes ainsi cachées, ou qui leur ôtera la vie, sur conviction du fait devant toute cour de jurisdiction compétente, sera condamnée à mort ou à toute autre peine que le jury pourra trouver juste dans son opinion. Peine de mort.

SECT. 3. *Et il est de plus décrété*, Que lorsque tout officier public à des raisons suffisantes de croire qu'une ou plusieurs personnes portent des armes cachées dans l'intention de commettre un meurtre, ou que d'aucune manière cette personne ou personnes portent des armes cachées, sur preuve authentique du fait et sur le témoignage d'une ou plusieurs personnes dignes de foi, devant un juge-de-paix, il sera du devoir dudit juge-de-paix de faire conduire pardevant lui le coupable, le faire fouiller, et en cas qu'il soit trouvé sur lui des armes cachées, il aura le pouvoir de le condamner à une amende qui ne pourra excéder cinquante piastres, ni être moindre de vingt piastres et de lui faire donner telle caution qu'il pourra trouver convenable pour conserver la tranquillité de l'état pendant une année, et si ledit coupable ne fournit pas bonne et suffisante caution, ledit juge-de-paix est autorisé de le faire emprisonner pour un tems qui ne pourra excéder vingt jours. Pouvoir de fouiller. Amende. Caution.

STEPHEN A. HOPKINS,
Orateur de la Chambre des Représentans,
J. POYDRAS,
Président du Sénat,

Approuvé 25 Mars 1813.
WM. C. C. CLAIBORNE,
Gouverneur de l'Etat de la Louisiane.

ACTE

Pour fixer d'une manière permanente le lieu des séances de la cour de paroisse de St.-Tammany.

SECT. 1ère. *Il est décrété par le sénat et la chambre des représentans de l'état de la Louisiane réunis en assemblée générale*, Que Thomas Spell, Robert Badony, Benjamin Howard, Joseph Kertraire et Commissaires.

said magazine, all the gun-powder by him so brought as aforesaid; and if he shall neglect so to do, he shall pay a fine of thirty pounds, for the use of the poor of said Portsmouth, to be recovered by said overseers in manner aforesaid.

Keeper of magazine to be chosen.

SECT. 3. *And be it further enacted*, That there shall be chosen annually, or oftener if necessity require, by the inhabitants of said Portsmouth, being legal voters, a keeper of said magazine, whose duty it shall be to receive into and deliver out of said magazine, all the powder so deposited, and to account therefor, who shall have a right to demand and receive for his time and trouble in attending on said business, at the rate of one shilling per hundred weight, for all quantities of powder above ten pounds, that he shall so receive into, and deliver out of said magazine; and for all quantities under ten pounds, at the rate of a half penny per pound.

SECT. 4. *And be it further enacted*, That no person shall transport or carry through the compact part of the town of Portsmouth, more than ten pounds of gun-powder at any time without the same is in a close carriage, or is sufficiently covered, on penalty of forfeiting the sum of one dollar for each offence, to be recovered and applied in the same manner as is herein before directed.

SECT. 5. *And be it further enacted*, That the act to prevent the keeping large quantities of gun-powder in private houses in Portsmouth, passed the twenty-eighth day of February, one thousand seven hundred and eighty-six, be, and hereby is repealed.

Approved February 18, 1794.

CHAPTER II.

Passed June 21, 1820.

AN ACT to provide for the appointment of inspectors and regulating the manufactory of gunpowder.

Inspectors of gunpowder to be appointed.

SECT. 1. **B**E *it enacted by the senate and house of representatives, in general court convened*, That his excellency the governor by and with the advice of council, be, and he is hereby authorized to appoint an inspector of gunpowder for every public powder magazine, and at every manufactory of gunpowder in this state, and at such other places as may by him be thought necessary; and his excellency the governor by and with the advice of council is hereby further authorized and empowered to remove said inspectors or any of them at pleasure, and may by new appointments from time to time fill any vacancy or vacancies which may happen.

Proportion and quality of materials for the manufacture of gunpowder.

SECT. 2. *And be it further enacted*, That from and after the first day of July next, all gunpowder which shall be manufactured within this state, shall be composed of the following proportions and quality of materials, that is, every one hundred parts of gunpowder shall be composed of fourteen parts of fresh burnt coal, made from wood which forms the least ashes, and which has been carefully and well prepared and made into coal, after being stripped of its bark; ten parts of pure sulphur, and seventy-six parts of purified nitre.

Duty of inspectors.

SECT. 3. *And be it further enacted*, That it shall be the duty of each of said inspectors to inspect, examine and prove all gunpowder which after the first day of July next shall be deposited at any public powder magazine, or manufactory in this state, before the same shall be removed from the manufactory or received into such public powder magazine, and if upon inspection and examination it shall appear to the inspector that such gunpowder is well manufactured and composed of pure materials, and such gunpowder shall be of the proof hereinafter mentioned, the inspector shall mark each cask containing gunpowder by him inspected, examined, and proved as aforesaid, with the words "*New-Hampshire inspected proof*," and with his christian and surname, and shall also in figures mark upon each cask the quantity of powder contained therein, and the year in which the inspection is made.

Proof of quality of gunpowder.

SECT. 4. *And be it further enacted*, That no gunpowder within this state shall be considered to be of proof unless one ounce thereof, placed in the chamber of a four and an half inch howitzer, with the howitzer elevated so as to form an angle of forty-five degrees with the horizon, will, upon being fired, throw a twelve pound shot seventy-five yards at the least.

Inspectors to mark bad powder.

SECT. 5. *And be it further enacted*, That whenever any of said inspectors shall discover any gunpowder, deposited at any public powder magazine, or any other place within this state, which is not well manufactured, or which is composed of impure materials, or of any improper proportion of materials, and which shall not be of the proof herein before mentioned, the inspector, in such case, shall mark each cask containing such impure, ill-manufactured, or deficient gun-powder, with the word "*Condemned*," on both heads of the cask, and with the same words on the side thereof, with the christian and surname of the inspector on one head of the cask.

Penalty for selling condemned powder.

SECT. 6. *And be it further enacted*, That if any person shall knowingly sell any condemned gunpowder, or shall fraudulently alter or deface any mark or marks, placed by any inspector upon any cask or casks containing gunpowder, or shall fraudulently put any gunpowder, which shall not have been inspected, or which has been condemned,

into any cask or casks, which shall have been marked by any inspector agreeably to the provisions contained in the third section of this act, every such person, so offending, shall forfeit and pay not less than two hundred nor more than five hundred dollars, for each and every offence, to be recovered in an action of debt, in any court of competent jurisdiction, one half thereof to the use of the state, the other to the use of him or them who shall sue and prosecute for the same.

Inspector's fees and oath of office.

SECT. 7. *And be it further enacted*, That each inspector who may be appointed by virtue of this act, shall, before he acts as inspector, be sworn to the faithful and impartial discharge of the duties of his office, and each inspector shall be allowed one cent for each pound of gunpowder, by him examined, inspected and proved, whether the same be by him approved or condemned, to be paid by the owner or owners of the gunpowder.

Penalty for selling uninspected powder.

SECT. 8. *And be it further enacted*, That if any manufacturer of gunpowder shall sell or dispose of, or shall cause or permit to be sold or disposed of, or shall export or cause to be exported without the limits of this state, any powder of his manufacture, before the same has been inspected and marked agreeably to the provisions of this act, he shall forfeit and pay the sum of fifty cents for every pound of powder so sold, disposed of, or exported, to be recovered in the manner provided in the sixth section of this act.

Penalty for selling powder made of impure materials.

SECT. 9. *And be it further enacted*, That if any person within this state, after the first day of January next, shall knowingly sell, expose or offer for sale, within this state, any gunpowder which is not well manufactured, or which is composed of impure materials, and which shall not be of the proof herein before required, shall forfeit and pay not less than five dollars nor more than fifty dollars for each and every offence, to be recovered in the manner provided in the sixth section of this act.

Approved June 21, 1820.

CHAPTER III.

Passed July 6, 1827.

AN ACT to regulate the keeping and selling and transporting of gunpowder.

Penalty for keeping more than a quarter cask.

SECT. 1. BE *it enacted by the senate and house of representatives, in general court convened*, That there shall not at any time be kept in any warehouse, store, shop or other building in the compact part of any town or village in this state, a quantity of gunpowder, greater than one quarter cask or twenty-five pounds; and any person or persons

so keeping a greater quantity, shall forfeit and pay for every day during which such greater quantity shall be kept as aforesaid, a sum not exceeding five dollars nor less than one dollar, to be sued for and recovered by the firewards or selectmen in an action of debt, in the name of the town, before any justice of the peace or court proper to try the same, with costs of suit; and the whole of said forfeiture so recovered shall be for the use of the town, to be expended by the firewards or selectmen in purchasing materials necessary and proper to be used for the extinguishing of fires.

Firewards or selectmen may search for, seize and sell any greater quantity.

SECT. 2. *And be it further enacted*, That the firewards, or a major part of them, or the selectmen of any town, are hereby authorized and empowered to search any warehouse, store, shop, or other building in the compact part of any town, or village in this state, where they have cause to suspect that gunpowder, in a greater quantity than one quarter cask, or twenty-five pounds, may be kept or stored, and in case of finding any gun-powder, kept as aforesaid, in a quantity greater than one quarter cask, or twenty-five pounds, the said firewards or selectmen, are hereby authorized and empowered to seize the same, and the said gunpowder so kept, and stored, contrary to the provisions of this act, shall be forfeited to the town, and the firewards or selectmen, so finding and seizing the same, shall sell said gunpowder at auction, and the avails thereof, to be expended for the purposes aforesaid.

Manner of keeping less than a quarter cask to sell by retail.

SECT. 3. *And be it further enacted*, That every person keeping gunpowder to sell by retail, in any quantity less than one quarter cask, or twenty-five pounds, and who shall not at all times, keep the same in a tin cannister, or cannisters, or other incombustible vessel, or vessels, covered and secured from fire, or if said gunpowder be kept in a wooden cask, or casks, said cask, or casks, shall be enveloped in substantial and close leathern bags, or sacks, shall forfeit and pay for each and every day he, she, or they, shall so keep it, a sum not exceeding five dollars, nor less than one dollar, to be sued for, and recovered in the manner and for the purposes aforesaid.

Transporting gunpowder through the compact part of any town.

SECT. 4. *And be it further enacted*, That gunpowder shall not be transported, or carried through the compact part of any town or village, in any cart, wagon, or other open carriage, in a quantity greater than four quarter casks, or one hundred pounds at any one time, nor unless the casks containing the gunpowder so transported, be enveloped in substantial leathern bags, or sacks, and any person or persons transporting gunpowder, as aforesaid, in a greater quantity, and without being enveloped, as aforesaid, except the same be conveyed in a closely covered carriage, shall forfeit and pay a sum, not more than fifty dollars, nor less than fifteen dollars, to be sued for and recovered

Treasurer of the State, to deposit in the Bank of the State and its several branches, all that portion of the public revenue of the United States, which he has received or which he may hereafter receive, as the portion of Alabama, in the following proportion: One fifth in the Bank of the State at Tuscaloosa, one fifth in the Branch Bank at Montgomery, one fifth in the Branch Bank at Mobile, one fifth in the Branch Bank at Decatur, and one fifth in the Branch Bank at Huntsville; taking therefor certificates of deposite, and all laws or parts of laws, contravening the provisions of this act, be and the same are hereby repealed: *Provided*, That the amount of the surplus revenue already received and which may hereafter be received, shall be deposited in said Bank and its Branches, in the above and foregoing proportions, on or before the first day of May next.

Treasurer to deposit the surplus revenue in the Bank and Branches.

Approved June 30, 1837.

No. 11.] AN ACT

To suppress the use of Bowie Knives.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That if any person carrying any knife or weapon, known as Bowie Knives or Arkansaw Tooth-picks, or either or any knife or weapon that shall in form, shape or size, resemble a Bowie Knife or Arkansaw Tooth-pick, on a sudden rencounter, shall cut or stab another with such knife, by reason of which he dies, it shall be adjudged murder, and the offender shall suffer the same as if the killing had been by malice aforethought.

Penalty for carrying Bowie knives

Sec. 2. *And be it further enacted*, That for every such weapon, sold or given, or otherwise disposed of in this State, the person selling, giving or disposing of the same, shall pay a tax of one hundred dollars, to be paid into the county Treasury; and if any person so selling, giving or disposing of such weapon, shall fail to give in the same in his list of taxable property, he shall be subject to the pains and penalties of perjury.

Persons selling Bowie knives to be taxed.

Approved June 30, 1837.

[No. 12.] AN ACT

To enlarge the prison bounds in the different counties in this State:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the several sections of an act passed in the year 1824, requiring the Judge of the county court and commissioners of roads and revenue, to mark and lay out the bounds of prisoners, be and the same is hereby repealed; and that from and after the passage of this act, the bounds of the different counties shall be the limits within which prisoners confined for debt shall be restricted, on entering into bond, as now required by law, to keep within the prison bounds; and hereafter the plaintiffs in suits shall not be compelled to pay the sustenance and support of prisoners who take the benefit of the bounds.

Prison bounds enlarged.

Approved June 30, 1837.

[No. 13.] AN ACT

For the relief of the purchasers of the Sixteenth Section, Township four, Range six, West, in the county of Lawrence and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the President and Directors of the Branch of the Bank of the

DEADLY WEAPONS.

AN ACT to guard and protect the citizens of this State, against the unwarrantable and too prevalent use of deadly weapons.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, 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 merchant, or vender of wares or merchandize in this State, or any other person or persons whatsoever, to sell, or offer to sell, or to keep, or have about their person or elsewhere, any of the hereinafter described weapons, to wit: Bowie, or any other kind of knives, manufactured and sold for the purpose of wearing, or carrying the same as arms of offence or defence, pistols, dirks, sword canes, spears, &c., shall also be contemplated in this act, save such pistols as are known and used, as horseman's pistols, &c.

SEC. 2. *And be it further enacted by the authority aforesaid,* That any person or persons within the limits of this State, violating the provisions of this act, except as hereafter excepted, shall, for each and every such offence, be deemed guilty of a high misdemeanor, and upon trial and conviction thereof, shall be fined, in a sum not exceeding five hundred dollars for the first offence, nor less than one hundred dollars at the direction of the Court; and upon a second conviction, and every after conviction of a like offence, in a sum not to exceed one thousand dollars, nor less than five hundred dollars, at the discretion of the Court.

SEC. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of all civil officers, to be vigilent in carrying the provisions of this act into full effect, as well also as Grand Jurors, to make presentments of each and every offence under this act, which shall come under their knowledge.

SEC. 4. *And be it further enacted by the authority aforesaid,* That all fines and forfeitures arising under this act, shall be paid into the county Treasury, to be appropriated to county purposes: *Provided, nevertheless,* that the provisions of this act shall not extend to Sheriffs, Deputy Sheriffs, Marshals, Constables, Overseers or Patrols, in actual discharge of their respective duties, but not otherwise: *Provided, also,* that no person or persons, shall be found guilty of violating the before recited act, who shall openly wear, externally, Bowie Knives, Dirks, Tooth Picks, Spears, and which shall be exposed plainly to view: *And provided, nevertheless,* that the provisions of this act shall not extend to prevent venders, or any oth-

er persons who now own and have for sale, any of the aforesaid weapons, before the first day of March next.

SEC. 5. *And be it further enacted by the authority aforesaid*, That all laws and parts of laws militating against this act, be, and the same are, hereby repealed.

JOSEPH DAY,
Speaker of the House of Representatives,

ROBERT M. ECHOLS,
President of the Senate.

Assented to, 25th December, 1837.
GEORGE R. GILMER, Governor.

DEEDS.

AN ACT to admit certain Deeds to be recorded and read in evidence; and also, to prescribe the effect of certain other Deeds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, all Deeds for lands which may have been recorded upon the usual proof of execution, but not recorded within the time prescribed by the laws of this State, shall be admitted in evidence, without further proof; and when the originals are lost or destroyed, and that being made judicially known to the Court, copies of the same may be introduced and read in evidence, on any trial before any Court of law or equity, in this State.

SEC. 2. *And be it further enacted by the authority aforesaid*, That all Deeds executed, according to the laws of this State, but not yet recorded, may nevertheless be recorded within twelve months from the passage of this act, upon the usual proof of their execution; and when so recorded, the same or copies thereof, when the originals are shown to be lost or destroyed, may be read in evidence without further proof.

SEC. 3. *And be it further enacted by the authority aforesaid*, That all Deeds conveying lands hereafter executed upon being attested or proved in the manner required by the laws of this State, shall be admitted to record, at any time, and after being recorded, shall be received in evidence in any Court of Law or Equity, without further proof of the execution thereof.

SEC. 4. *And be it further enacted by the authority aforesaid*, That in all cases where two or more Deeds shall hereafter be executed by the same person or persons, conveying the same

to perform the duties enjoined on them by the second section of an act, passed at Nashville, the 19th of February, 1836, chapter XLVIII, that it shall be the duty of the several county surveyors to do and perform said services within their respective counties, and that said county surveyors shall be allowed the same fees, and be subject to the same penalties that said principal surveyors were entitled to, and liable for, in processioning said lands, and that said county surveyors shall return a plat and certificate of each tract so processioned by them to the entry taker of the county, who shall forthwith record the same in his survey book, for which services the said entry taker shall be allowed the same fees as for other services of the same kind, and that said several tracts of land shall be liable to attachment and final judgment for all expenses in processioning and recording the same.

JOHN COCKE,
Speaker of the House of Representatives.
TERRY H. CAHAL,
Speaker of the Senate.

Passed January 18th, 1838.

CHAPTER CXXXVII.

An Act to suppress the sale and use of Bowie Knives and Arkansas Tooth Picks in this State.

Knives not to be sold or given away

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That if any merchant, pedlar, jeweller, confectioner, grocery keeper, or other person or persons whatsoever, shall sell or offer to sell, or shall bring into this State, for the purpose of selling, giving or disposing of in any other manner whatsoever, any Bowie knife or knives, or Arkansas tooth picks, or any knife or weapon that shall in form, shape or size resemble a Bowie knife or any Arkansaw tooth pick, such merchant, pedlar, jeweller, confectioner, grocery keeper, or other person or persons for every such Bowie knife or knives, or weapon that shall in form, shape or size resemble a Bowie knife or Arkansas tooth pick so sold, given or otherwise disposed of, or offered to be sold, given or otherwise disposed of, shall be guilty of a misdemeanor, and upon conviction thereof upon indictment or presentment, shall be fined in a sum not less than one hundred dollars, nor more than five hundred dollars, and shall be imprisoned in the county jail for a period not less than one month nor more than six months.

Not to be worn

SEC. 2. That if any person shall wear any Bowie knife, Arkansas tooth pick, or other knife or weapon that shall in

form, shape or size resemble a Bowie knife or Arkansas tooth pick under his clothes, or keep the same concealed about his person, such person shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than two hundred dollars, nor more than five hundred dollars, and shall be imprisoned in the county jail not less than three months and not more than six months.

Penalty of drawing a knife

SEC. 3. That if any person shall maliciously draw or attempt to draw any Bowie knife, Arkansas tooth pick, or any knife or weapon that shall in form, shape or size resemble a Bowie knife or Arkansas tooth pick, from under his clothes or from any place of concealment about his person, for the purpose of sticking, cutting, awing, or intimidating any other person, such person so drawing or attempting to draw, shall be guilty of a felony, and upon conviction thereof shall be confined in the jail and penitentiary house of this State for a period of time not less than three years, nor more than five years.

Penalty for using knife

SEC. 4. That if any person carrying any knife or weapon known as a Bowie knife, Arkansas tooth pick, or any knife or weapon that shall in form, shape or size resemble a Bowie knife, on a sudden rencounter, shall cut or stab another person with such knife or weapon, whether death ensues or not, such person so stabbing or cutting shall be guilty of a felony, and upon conviction thereof shall be confined in the jail and penitentiary house of this State, for a period of time not less than three years, nor more than fifteen years.

Of prosecutions

SEC. 5. That this act shall be in force from and after the first day of March next. And it shall be the duty of the several judges of the circuit courts in this State to give the same in charge to the grand jury every term of the respective courts, and any civil officer who shall arrest and prosecute to conviction and punishment any person guilty of any of the offences enumerated in this act, shall be entitled to the sum of fifty dollars, to be taxed in the bill of costs, and the attorney general shall be entitled to a tax fee of twenty dollars in each case, when a defendant shall be convicted, and no prosecutor required on any presentment or indictment for any of the offences enumerated in this act.

JOHN COCKE,
Speaker of the House of Representatives.
TERRY H. CAHAL,
Speaker of the Senate.

Passed January 27th, 1838.

Widow may make her election of dower.

the statute of which this is an amendment, she shall make her election either of dower or of a childs part, within twelve months after the probate of the will or granting letters of administration, or she shall be confined to her dower.

Fee simple title in widow.

Sec. 2. That if a widow take dower, she shall be entitled only to a life estate in the real property, to return at her death, to the estate of her deceased husband for distribution; if she takes a childs part, she shall have in the property set apart to her, a fee simple estate in the real property, and an absolute title to the personal property including slaves, with power to control or dispose of the same by will, deed or otherwise.

Passed February 6th 1838.—Approved 8th Feb. 1838.

No. 24. AN ACT in addition to An Act, (approved January 30th, 1835,) entitled An Act to prevent any person in this Territory from carrying arms secretly.

Venders to get license.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, it shall not be lawful for any person or persons in this Territory to vend dirks, pocket pistols, sword canes, or bowie knives, until he or they shall have first paid to the treasurer of the county in which he or they intend to vend weapons, a tax of two hundred dollars per annum, and all persons carrying said weapons openly shall pay to the officer aforesaid a tax of ten dollars per annum; and it shall be the duty of said officer to give the parties so paying a written certificate, stating that they have complied with the provisions of this act. Four fifths of all monies so collected to be applied by the county courts to county purposes, the other fifth to be paid to the prosecuting attorney.

moneys how appropriated.

Penalty.

Sec. 2. Be it further enacted, That if any person shall be known to violate this act, he or they so offending, shall be subject to an indictment, and on conviction, to a fine of not less than two hundred nor exceeding five hundred dollars, at the discretion of the court.

Judges to charge grand juries.

Sec. 3. Be it further enacted, That it shall be the duty of the several Judges of the Superior Courts of this Territory, to give this act in charge to the grand juriors of their respective districts at each term of the court.

Passed 5th Febuary, 1838.—Approved 10th Feb. 1838.

ACTS

OF THE

GENERAL ASSEMBLY

OF

VIRGINIA,

PASSED AT THE SESSION OF 1838,

COMMENCING 1ST JANUARY, 1838, AND ENDING 9TH APRIL, 1838,

IN THE

SIXTY-SECOND YEAR OF THE COMMONWEALTH.

RICHMOND:
PRINTED BY THOMAS RITCHIE,
Printer to the Commonwealth.
1838.

CHAP. 99.—An ACT to prevent free persons of colour who leave the state from returning to it in certain cases.

(Passed April 7, 1838.)

Free negroes leaving state to be educated not permitted to return.

1. *Be it enacted by the general assembly*, That if any free person of colour, whether infant or adult, shall go or be sent or carried beyond the limits of this commonwealth for the purpose of being educated, he or she shall be deemed to have emigrated from the state, and it shall not be lawful for him or her to return to the same; and if any such person shall return within the limits of the state contrary to the provisions of this act, he or she being an infant, shall be bound out as an apprentice until the age of twenty-one years, by the overseers of the poor of the county or corporation where he or she may be, and at the expiration of that period, shall be sent out of the state agreeably to the provisions of the laws now in force, or which may hereafter be enacted to prohibit the migration of free persons of colour to this state; and if such person be an adult, he or she shall be sent in like manner out of the commonwealth; and if any person having been so sent off, shall thereafter return within the state, he or she so offending shall be dealt with and punished in the same manner as is or may be prescribed by law in relation to other persons of colour returning to the state after having been sent therefrom.

Infants so returning how dealt with.

Adults how punished.

Commencement.

2. This act shall be in force from and after the first day of August next.

CHAP. 100.—An ACT abolishing the punishment of burning in the hand in all cases.

(Passed February 8, 1838.)

Burning in hand abolished.

1. *Be it enacted by the general assembly*, That so much of any law of this commonwealth as authorizes or inflicts the punishment of burning in the hand in any case whatever, shall be, and the same is hereby repealed. And every person who may be hereafter convicted of any offence within the benefit of clergy, shall be punished in the mode now prescribed by law, except only the burning in the hand.

Commencement.

2. This act shall be in force from the passing thereof.

CHAP. 101.—An ACT to prevent the carrying of concealed weapons.

[Passed February 9, 1838.]

Penalty for carrying concealed weapons.

1. *Be it enacted by the general assembly*, That if any person shall hereafter habitually or generally keep or carry about his person any pistol, dirk, bowie knife, or any other weapon of the like kind, from the use of which the death of any person might probably ensue, and the same be hidden or concealed from common observation, and he be thereof convicted, he shall for every such offence forfeit and pay the sum of not less than fifty dollars nor more than five hundred dollars, or be imprisoned in the common jail for a term not less than one month nor more than six months, and in each instance at the discretion of the jury; and a moiety of the penalty recovered in any prosecution under this act, shall be given to any person who may voluntarily institute the same.

Courts to ascertain if murders or felonies be perpetrated by concealed weapons.

2. *And be it further enacted*, That if any person shall hereafter be examined in any county or corporation court upon a charge of murder or felony, perpetrated by shooting, stabbing, maiming, cutting or wounding, and it shall appear that the offence charged was

in fact committed by any such weapon as is above mentioned, and that the same was hidden or concealed from or kept out of the view of the person against whom it was used, until within the space of one half hour next preceding the commission of the act, or the infliction of the wound, which shall be charged to have caused the death, or constituted the felony, it shall be the duty of the examining court to state that the fact did so appear from the evidence; and if the court shall discharge or acquit the accused, such discharge or acquittal shall be no bar to an indictment for the same offence in the superior court having jurisdiction thereof, provided the same be found within one year thereafter. And whether the accused shall be by such court sent on for further trial or discharged, it shall be lawful to charge in the indictment that the offence was committed in any of the modes herein before described; and upon the trial it shall be the duty of the jury (if they find the accused not guilty of the murder or felony) to find also whether the act charged was in fact committed by the accused, though not feloniously, and whether the same was committed or done with or by means of any pistol, dirk, bowie knife, or other dangerous weapon, which was concealed from or kept out of the view of the person on or against whom it was used, for the space before mentioned, next preceding such use thereof; and if the jury find that the act was so committed, they shall assess a fine against the accused, and it shall be lawful for the court to pronounce judgment as in cases of misdemeanor.

Acquittal no bar to indictment in superior court.

Offence how charged in indictment.

Verdict of jury what to contain.

Penalty.

3. This act shall be in force from and after the first day of June next.

Commencement.

CHAP. 102.—An ACT to extend the act for the temporary relief of the banks of this commonwealth.

(Passed February 20, 1838.)

1. *Be it enacted by the general assembly*, That the first, second and seventh sections of the act passed on the twenty-fourth day of June, eighteen hundred and thirty-seven, entitled, "an act for the temporary relief of the banks of this commonwealth, and for other purposes," shall be, and the same are hereby continued in force till the twentieth day of March next.

Laws for temporary relief of banks extended.

See *post*, ch. 102. Acts extra session 1837, pp. 3, 4, §§ 1, 2, 7.

2. *Be it further enacted*, That so much of the provisions of the act, entitled, "an act increasing the banking capital of the commonwealth," passed March the twenty-fifth, eighteen hundred and thirty-seven, as relates to the Bank of Virginia, the Farmers bank of Virginia, and the Bank of the Valley of Virginia, shall be and the same is hereby suspended until the first day of April next.

Part of act increasing banking capital suspended. Acts 1836-7, pp. 68-74.

3. This act shall commence and be in force from the passage thereof.

Commencement.

CHAP. 103.—An ACT further to extend the act for the temporary relief of the banks of this commonwealth.

[Passed March 16, 1838.]

1. *Be it enacted by the general assembly*, That the first, second and seventh sections of the act passed on the twenty-fourth day of June, eighteen hundred and thirty-seven, entitled, "an act for the temporary relief of the banks of this commonwealth," be and the same is hereby continued in force till the expiration of the present session of the legislature, any law to the contrary notwithstanding.

Laws for temporary relief of banks further extended.

2. This act shall be in force from its passage.

Commencement.

CHAPTER 168.

AN ACT to Incorporate the Town of Emery, in the County of Holmes.

Incorporation.

Limits.

SECTION 1. *Be it enacted, by the Legislature of the State of Mississippi*, That the town of Emery, in the county of Holmes, be, and the same is hereby, incorporated, and that the corporate limits of the said town shall run to the four cardinal points, and form one mile square, to be laid off in such manner so that the centre of the said town, as at present laid off and surveyed, shall be the centre of the said corporate limits.

Qualifications of voters, &c.

SEC. 2. *And be it further enacted*, That every free white male person, having attained the age of twenty-one years, and having resided in the state twelve months, and in the corporate limits of said town four months next preceding an election for town officers, shall be a qualified elector, and eligible to any town office.

Election of town-officers, when.

Term of service.

Annual elections, when held, &c.

SEC. 3. *And be it further enacted*, That the qualified electors of said town are hereby authorized to hold an election in the said town of Emery, on the first Monday in March next, between the hours of ten o'clock a. m. and four o'clock p. m., for the purpose of electing five persons as aldermen; also, a mayor, treasurer, recorder, and constable; who shall serve until the first regular annual election, or until their successors are duly elected and qualified; and that the annual election shall be held in said town on the first Wednesday of January in each and every year, between the hours of ten o'clock in the morning and four o'clock in the

evening; and that the mayor elected in pursuance of this act shall be commissioned by the governor as a justice of the peace; he shall preside at each meeting of the board of mayor and aldermen of said town, and by virtue of his office shall have power to perform all such duties, and receive like emoluments and immunities, as are performed and received by other magistrates in the said county; but in case of his absence from any meeting of the said board of aldermen, any member thereof may be called to the chair, and execute the duties of the president, pro tempore.

Mayor to be commissioned by governor. Duties, &c.

In absence of mayor, who to preside.

SEC. 4. *And be it further enacted*, That the said mayor and aldermen shall be a body corporate and politic, by the name and style of the mayor and aldermen of the town of Emery; and, as such, they and their successors in office shall be capable of sueing and being sued, of pleading and being impleaded, of defending and being defended, in all manner of suits and actions either in law or equity; and also receive donations, purchase, give, grant, sell, convey, and contract, and do any and all other such acts as are incident to bodies corporate and politic.

Body corporate and politic—name and style.

Privileges, liabilities &c

SEC. 5. *And be it further enacted*, That said mayor and aldermen shall have power to pass all necessary by-laws for the good order and government of said town, not inconsistent with the constitution and laws in this state and the United States, whereby education and morality may be promoted, and the retailing and vending of ardent spirits, gambling, and every species of vice and immorality, may be suppressed, together with the total inhibition of the odious and savage practice of wearing dirks and bowie-knives or pistols; and in their corporate

Powers of mayor and aldermen.

capacity they may inflict a fine or penalty on any person for a violation of any such by-laws, not exceeding fifty dollars for any offence, recoverable, with costs, before any justice of the peace for said county, in the name of said corporation, for the use and benefit of said town.

State laws, legalizing sale of liquor or gaming, not to apply to town.

And that no law of the state, now in force, or that hereafter may be passed, legalizing either retailing or vending spirituous liquors, or any species of gaming, shall apply in any respect to said corporation; nor shall the said mayor and aldermen have power by any by-laws to authorize any person to sell spirituous liquors either in large or small quantities, or to authorize any species of gaming in said corporation, unless upon petition, signed by at least three-fourths of the citizens of said town.

Authority not to be given to sell liquor or to game, unless upon petition, &c.

District entitled to justice and constable.

SEC. 6. *And be it further enacted*, That the corporate limits of said town of Emery are hereby declared to be a district entitled to a justice of the peace and constable; and the said mayor and constable, when elected and commissioned by the governor, shall each be subject to perform all the duties, and receive all such profits, as are performed and received by other justices of the peace and constables of this state.

Duties and emoluments

Mayor to prescribe duties of treasurer & recorder.

SEC. 7. *And be it further enacted*, That the duties, responsibilities, and compensation, of the treasurer and recorder, shall be prescribed by the said mayor and aldermen.

Town tax.

SEC. 8. *And be it further enacted*, That for the purposes of revenue, the said mayor and aldermen may tax such property as is liable to taxation under the existing laws of this state:

Proviso.

Provided, such tax shall not exceed fifty cents on each white poll, fifty cents on each slave,

and twelve and one-half cents on every hundred dollars' worth of other personal and real estate, within the limits of said town, in any one year; and the money so raised shall be appropriated, by the said mayor and aldermen, exclusively for the use and benefit of said town.

Citizens exempt from road duties out of corporation.

SEC. 9. *And be it further enacted*, That the citizens of said town, subject to road duties, shall be exempt from such duties beyond its corporate limits; and the said mayor and aldermen may release them from such labor within said limits, upon their paying an equivalent therefor, not to exceed nine dollars in any one year.

May be released from working on streets, upon paying equivalent.

Should b'rd not be constituted, &c. three citizens may call meeting, &c.

SEC. 10. *And be it further enacted*, That if from any cause the said board should not be constituted as contemplated by this act, any three citizens of said town may call a meeting, at any time, for the purposes of such election, by giving ten days' previous notice, by advertisement set up in said town; and such election shall be as valid as though it had been held on the regular appointed days therefor.

Validity of election.

When board organized, mayor may call meeting

Quorum.

Mayor to give casting vote in ties.

Board to fill vacancies.

SEC. 11. *And be it further enacted*, That when said board has been organized, the said mayor may call a meeting at any time, by giving five days' notice; that a majority shall constitute a quorum; that in case of a tie, the mayor shall give the casting vote; and that the said board shall have power to fill all vacancies which may occur in their body from one annual election to the next succeeding one.

When act to take effect.

SEC. 12. *And be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, February 15, 1839.

words five years, be, and the same is hereby, repealed.

Sec. 5. *And be it further enacted*, That this act be in force from and after its passage.

Approved February 18th, 1840.

CHAPTER 111.

AN ACT to incorporate the Town of Hernando, in the County of De Soto.

Town incorporated.

Boundary of town.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the town of Hernando, in the county of De Soto, be, and the same is hereby, incorporated and bounded as follows, to wit; The whole of Section thirteen, in township three, and range eight, West, and the West half of Section eighteen, township three, and range seven, West.

Qualifications of Electors.

Sec. 2. *Be it further enacted*, That every free white male person, having attained the age of twenty-one years, and having resided in the State twelve months, and in the corporate limits of said town four months next preceding an election for town officers, shall be a qualified elector and eligible to any town office.

Duty of Sheriff to hold first Election for town officers; when, &c.

Sec. 3. *Be it further enacted*, That the Sheriff of said county, for the time being, is hereby authorized to hold an election in said town of Hernando, on the first Monday in July next, (by giving ten days previous notice,) between the hours of ten o'clock, A. M., and four o'clock, P. M., for the purpose of electing five persons as aldermen; also, one mayor, treasu-

rer, recorder and constable, who shall serve until their successors are duly elected and qualified; and that the annual election shall be held in said town on the first Monday in July in each and every year, between the hours of ten o'clock in the morning and four o'clock in the evening, and that the mayor elected in pursuance of this act shall be commissioned by the Governor as a justice of the peace; he shall preside at each meeting of the Board of mayor and aldermen of said town, and by virtue of his office shall have power to perform all such duties, and receive like emoluments and immunities as are performed and received by other magistrates in said county; but in case of his absence from any meeting of the said Board of Aldermen, any member thereof may be called to the chair.

Mayor to be comm'd. a Justice of the peace.

Absence of the mayor at any meeting.

Sec. 4. *Be it further enacted*, That the said mayor and aldermen shall be a body corporate and politic, by the name and style of the mayor and aldermen of the town of Hernando; and, as such, they and their successors in office shall be capable of suing and being sued, of pleading and being impleaded, of defending and being defended, in all manner of suits and actions, either in law or equity, and also receive donations, purchases, give, grant, sell, convey and contract, and do any and all other such acts as are incident to bodies corporate and politic.

Name and style in law.

Powers.

Sec. 5. *Be it further enacted*, That said mayor and aldermen shall have power to pass all necessary by-laws for the good order and government of said town, not inconsistent with the constitution and laws of this State, and the United States, whereby education and mo-

Power to pass by-laws, etc.

rality may be promoted, and the retailing and vending ardent spirits, gambling, and every species of vice and immorality may be suppressed, together with the exhibition of the orders and savage practice of wearing dirks and bowie knives or pistols; and, in their corporate capacity, they may inflict a fine or penalty on any person for a violation of such by-laws, not exceeding fifty dollars for any offence, recoverable, with costs, before their mayor or any justice of the peace for said county, in the name of said corporation, for the use and benefit of said town. Punishments and fines.

Sec. 6. *Be it further enacted*, That the corporate limits of said town of Hernando are hereby declared to be a district, entitled to a justice of the peace and constable; and that said mayor and constable, when elected and commissioned by the Governor, shall each be subject to perform all the duties and receive all such profits, as are performed and received by other justices of the peace and constables of this State. Corporate limits. Mayor and Constable to be commissioned.

Sec. 7. *Be it further enacted*, That the duties, responsibilities, and compensation of the treasurer and recorder, shall be prescribed by the said mayor and aldermen. Treasurer's duties and compensation.

Sec. 8. *Be it further enacted*, That for the purposes of revenue, the said mayor and aldermen may tax such property as is liable to taxation under the existing laws of this State; *Provided*, such tax shall not exceed fifty cents on each white poll, fifty cents on each slave, and twelve and one half cents on every hundred dollars' worth of personal or real estate within the limits of said town, in any one year; and the money so raised shall be appro- Town revenue—how to be raised. Limits of Tax. Manner of appropriating money

15

priated by the said mayor and aldermen, exclusively, for the use and benefit of said town.

Citizens of town exempt from Road duties.

Sec. 9. *Be it further enacted*, That the citizens of said town, subject to road duties beyond its corporate limits, shall be exempt from such duties beyond its corporate limits; and the said mayor and aldermen may release them from such labour within said limits, upon their paying an equivalent therefor, not to exceed nine dollars in any one year.

Terms of release from labor.

Should the Board from any cause not be organized,—then, three citizens may cause an election to be held.

Sec. 10. *Be it further enacted*, That if from any cause the said Board should not be constituted as contemplated by this act, any three citizens of said town may call a meeting at any time for the purpose of such election, by giving ten days previous notice, by advertisement set up in said town; and such election shall be as valid as though it had been held on the regular appointed days therefor.

Mayor may call meetings of the Board.

Sec. 11. *Be it further enacted*, That when said Board has been organized, the said mayor may call a meeting at any time by giving five days notice; that a majority shall constitute a *quorum;* that in case of a tie, the mayor shall give a casting vote; and that the said Board shall have power to fill all vacancies which may occur in their body, from one annual election to the next succeeding one.

Contravening acts, repealed.

Sec. 12. *And be it further enacted*, That all acts and parts of acts coming within the meaning and purview of the provisions of this act, shall be null and void.

Approved February 18, 1840.

CHAPTER 81.

AN ACT to amend the Criminal Laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any person shall be indicted in the Circuit Courts, or any other court having criminal jurisdiction, for malicious shooting, and the jury trying the cause, after having all the evidence, shall be of the opinion that the defendant is not guilty of the malice, they shall have the power to find the defendant guilty of an assault, or an assault and battery, and judgment shall be given accordingly.

SEC. 2. *Be it enacted*, That, hereafter, it shall be unlawful for any person to sell, loan, or give, to any minor a pistol, bowie-knife, dirk, or Arkansas tooth-pick, or hunter's knife; and whoever shall so sell, loan, or give, to any minor any such weapon, on conviction thereof, upon indictment or presentment, shall be fined not less than twenty-five dollars, and be liable to imprisonment, at the discretion of the Court: *Provided*, that this act shall not be construed so as to prevent the sale, loan, or gift, to any minor of a gun for hunting.

SEC. 3. *Be it enacted*, That it shall be the duty of the Circuit Judges and the Judges of the Criminal Courts to give this act in charge to the Grand Juries: *Provided*, said minor be travelling on a journey, he shall be exempted.

SEC. 3. *Be it enacted*, That this act shall be in force from and after its passage.

NEILL S. BROWN,
Speaker of the House of Representatives.
EDWARD S. CHEATHAM,
Speaker of the Senate.

Passed February 26, 1856.

CHAPTER 82.

AN ACT to amend the Internal Improvement acts of 1852 and 1854.

Be it enacted by the General Assembly of the State of Tennessee, That, hereafter, it shall not be necessary for the Engineer in Chief to swear to the subscription list, solvency, and condition of any Railroad Company applying for State aid, but the oath required of the Engineer shall be taken by the President and Treasurer of the Com-

CHAPTER 33. 1860.

AN ACT to amend an act, entitled "An act to reduce into one the several acts in relation to the town of Harrodsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Judicial powers vest'd in police court.

§ 1. That the judicial power of said town shall be vested in and exercised by a court, to be styled the Police Court of Harrodsburg, which shall be held by a single judge, to be elected and qualified and hold office as prescribed in the constitution of this Commonwealth. The police court of Harrodsburg shall be a court of record, and shall have the power of a quarterly judge over slaves and free negroes, and to require security of all persons for good behavior and to keep the peace; and in all matters of penalties for a violation of the laws of this Commonwealth shall have concurrent jurisdiction, with the circuit courts and justices of the peace, of prosecutions for misdemeanors committed in the town where the punishment of a free person is a fine not exceeding one hundred dollars and imprisonment for fifty days, or of a slave in any number of stripes not exceeding thirty-nine, and exclusive jurisdiction of all prosecutions and actions for an infraction of the by-laws or ordinances of the town. Said court shall exercise the power and jurisdiction of an examining court, shall have concurrent jurisdiction with the circuit court to try vagrants; and shall have power to take recognizances and bail bonds from persons charged with offenses cognizable before said court to appear and answer, and a like power to enforce a compliance with the same that circuit courts have; and all recognizances and bail bonds entered into to appear before said court, where the amount of the penalty does not exceed one hundred dollars, may be forfeited, and other proceedings had thereon in said court to forfeit and collect the same, as are directed by-law in similar cases in the circuit court. The jurisdiction of said court, and the judge thereof, in civil cases, shall be the same as that of a quarterly court and the judge thereof.

Judge to be elected.

Jurisdiction of police court.

Police judge to issue process in the name of the Commonw'h, & to whom directed.

§ 2. The police judge shall issue his process in criminal, penal, and civil cases in the name of the Commonwealth, and make the same returnable before him as police judge of Harrodsburg; and the same shall be directed to the sheriff, marshal, jailer, coroner, constable, or policeman of any town, city, or county of Kentucky, and shall be executed and returned by any of said officers, under the same penalties as other similar process from circuit and quarterly courts; and all proceedings in criminal, penal, and civil cases in said court shall be the same as directed by law in similar cases in the circuit and quarterly courts: *Provided, however*, That it shall not be necessary that an indictment be found by a grand jury for the trial of any

persons attending the same, shall be regulated by ordinance, and also the conduct of persons going to and returning from such places, both free colored persons and slaves; and for any violation of any such ordinance, a free colored person shall be fined not less than ten dollars nor more than fifty dollars, and a slave shall receive not less than ten, nor more than thirty lashes, to be enforced before the police court of said town. And for good cause, the board of trustees may provide for the closing up any house or place of assembling of colored persons within said town, and may provide for silencing any preacher or teacher of colored persons for misconduct. And all assemblies of colored persons within said town shall be under the visitation of the police, and especially under that of the night police and watchmen.

Penalty for giving or selling liquor to minors.

§ 22. If any person shall sell, loan, or give, any spirituous liquors, or mixture of the same, to any minors, without the previous written consent of the father, mother, or guardian, attested by two witnesses, or shall suffer or permit any minor to have or drink any spirituous liquors, or mixture of the same, on his premises, or premises under his control, he shall be fined the sum of thirty dollars; and if he be a vender of ardent spirits by license, he shall be fined sixty dollars.

Penalty for giving weapons to minors and slaves.

§ 23. If any person, other than the parent or guardian, shall sell, give, or loan, any pistol, dirk, bowie-knife, brass-knucks, slung-shot, colt, cane-gun, or other deadly weapon, which is carried concealed, to any minor, or slave, or free negro, he shall be fined fifty dollars.

Penalty for giv'g or selling minor cards.

§ 24. If any person, other than the parent or guardian, shall sell, give, or loan, to any minor a deck, or part of a deck, of playing cards, or shall knowingly permit any minor to play cards on his premises, or premises under his control, he shall be fined ten dollars; and any minor having in his possession a deck, or part of a deck, of cards, shall be fined five dollars.

Trustees may appoint police.

§ 25. The board of trustees shall have power to appoint not more than three policemen, who shall have the same power to execute process, arrest and apprehend violators of the penal and criminal law, and laws relating to the town of Harrodsburg, and town ordinances, that marshals have.

Persons convicted in police court may be committed to jail until fine is paid.

§ 26. Upon the trial and conviction of any person in the police court of any crime or offense, he shall be committed to jail until the fine and costs are paid or replevied: *Provided*, That the imprisonment shall not be longer than at the rate of twenty-four hours for each two dollars of said fine and costs: *And provided further*, That a writ of *fieri facias* may be issued, at any time thereafter, against the estate of the defendant or defendants, for the amount of the fine and costs until the same are satisfied.

1860.

Officers to arrest disorderly persons.

§ 27. It shall be the duty of all peace officers and policemen to arrest all disorderly or drunken persons and take them before the police court, to be dealt with according to law: *Provided*, That when any drunken or disorderly person is arrested in the night time, the officer making the arrest may commit him to the county jail, or work-house, or watch-house, until the next morning, when he shall be carried before the police judge or court, to be dealt with according to law; and the jailer of Mercer county is hereby directed to receive such persons, when arrested and in custody of such officer, in the night time, without an order of commitment.

Officers may take bail.

§ 28. The officer executing any process requiring bail, shall have authority to take the bail.

Chairman of trustees to act in absence of police judge.

§ 29. In the absence of the police judge from town, the chairman of the board of trustees of said town shall have the same authority and power that said judge has.

Appeals.

§ 30. In all cases, civil and penal, where the judgment, exclusive of costs, is twenty dollars or more, either party may appeal to the circuit court: *Provided*, Said appeal is taken and a copy of the record filed in said court within sixty days from the rendition of the judgment: *And provided further*, That the party, except where the Commonwealth is appellant, files a bond, as now required by law.

Sec. 8 of act to which this is an amendment amended.

§ 31. Section 8 of the act to which this is an amendment, is hereby so amended as to insert after the words, "some newspaper of the town for two months, by successive weekly publications," the words, "or by the service of a written copy of the order, signed by the chairman of the board of trustees and attested by the clerk, upon the parties to be affected thereby."

Trustees may assess tax to pay debts of town.

§ 32. The board of trustees shall have power to assess a tax, not exceeding twenty cents, on every one hundred dollars of the taxable property of said town. They shall have power to allow the marshal, in addition to his regular fees, such compensation as to them may be proper.

Trustees may sell, convey, & close up streets in said town.

§ 33. Said board shall have power to sell and convey, or lease or close up, any of the alleys or parts of alleys in said town, with the consent of a majority of the qualified voters thereof.

§ 34. The present officers of said town shall continue in office and perform all the duties required under this act until their successors are elected and qualified, as provided by law.

§ 35. This act shall not be construed to repeal any portion of the act to which this is an amendment, except those portions which conflict with this amendment.

§ 36. This act shall be in force from its passage.

Approved January 12, 1860.

ACTS

OF THE

STATE OF TENNESSEE,

PASSED BY THE FIRST SESSION OF

THE THIRTY-SIXTH GENERAL ASSEMBLY

FOR THE YEARS 1869-70.

PUBLISHED BY AUTHORITY.

NASHVILLE, TENN.:
JONES, PURVIS & CO., PRINTERS TO THE STATE.
1870.

CHAPTER XXI.

AN ACT to Amend An Act, passed on the 13th of March, 1868, entitled "An Act to amend the revenue laws of the State."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That An Act to amend the revenue laws of the State, passed on the 13th day of March, 1868, be so amended as to impose a tax of fifty cents on each room except two in a hotel or tavern, and a tax of fifty cents on each stall in a livery stable, or stable kept by hotel or tavern keepers, instead of one dollar, as now imposed by law. Hotels and Livery Stable

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage.

W. O'N. PERKINS,
Speaker of the House of Representives.
D. B. THOMAS,
Speaker of the Senate.

Passed November 27, 1869.

CHAPTER XXII.

AN ACT to Amend the Criminal Laws of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all voters in this State shall be required to vote in the civil district or ward in which they may reside. Any person violating this Act shall be guilty of a misdemeanor, and upon conviction thereof shall not be fined less than twenty nor more than fifty dollars; *Provided,* that sheriffs and other officers holding elections shall be permitted to vote at any ward or precinct in which they may hold an election. To vote in Civil District or Ward.

SEC. 2. *Be it further enacted,* That it shall not be lawful for any qualified voter or other person attending any election in this State, or for any person attending any fair, race course, or other public assembly of the people, to carry about his person, concealed or otherwise, any pistol, dirk, bowie-knife, Arkansas tooth-pick, or weapon in form, shape Deadly Weapons.

or size, resembling a bowie-knife, or Arkansas tooth-pick, or other deadly or dangerous weapon.

Penalty. SEC. 3. *Be it further enacted*, That all persons convicted under the second section of this Act shall he punished by fine of not less than fifty dollars, and by imprisonment, or both, at the discretion of the Court.

Liquor Shops. SEC. 4. *Be it further enacted*, That no liquor shop in this State, shall be kept open on election days, nor shall any person, on said days, give or sell intoxicating liquors to any person for any purpose at or near an election ground.

Grand Juries. SEC. 5. *Be it further enacted*, That the grand juries of this State shall have inquisitorial powers concerning the commission of the offenses created by these Acts, and may send for witnesses, as in cases of gaming, illegal voting, tippling and offenses now prescribed by law.

Judges. SEC. 6. *Be it further enacted*, That it shall be the duty of the Circuit and Criminal Judges of this State to give the above in special charge to the several grand juries of the courts.

Proviso. SEC. 7. *Be it further enacted*, That there shall be no property exempt from execution for fines and costs for this offense; *Provided*, That, if from any cause, there should be a failure to hold an election in any civil district or ward, then nothing in this Act shall be so construed as to prevent any voter from voting in any other civil district or ward in his county or town, for State or county officers, at the time prescribed by law.

SEC. 8. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS.
Speaker of the House of Representatives.
D. B. THOMAS,
Speaker of the Senate.

Passed December 1, 1869.

GENERAL LAWS

OF THE

TWELFTH LEGISLATURE,

OF THE

STATE OF TEXAS.

CALLED SESSION.

BY AUTHORITY.

AUSTIN:
PRINTED BY TRACY, SIEMERING & CO.
1870.

CHAPTER XLVI.

AN ACT REGULATING THE RIGHT TO KEEP AND BEAR ARMS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That if any person shall go into any church or religious assembly, any school room or other place where persons are assembled for educational, literary or scientific purposes, or into a ball room, social party or other social gathering composed of ladies and gentlemen, or to any election precinct on the day or days of any election, where any portion of the people of this State are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dirk or butcher-knife, or fire-arms, whether known as a six shooter, gun or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same; provided, that nothing contained in this section shall apply to locations subject to Indian depredations; and provided further, that this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.

SEC. 2. That this act take effect and be in force in sixty days from the passage thereof.

Approved August 12, 1870.

CHAPTER XLVII.

AN ACT AUTHORIZING THE GOVERNOR TO ORDER AN ELECTION TO BE HELD IN HILL COUNTY FOR THE PERMANENT LOCATION OF THEIR COUNTY SEAT.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Governor of the State of Texas be, and is hereby authorized to order an election to be held in the county of Hill, on the second Monday in September, A. D. 1870, (or as soon thereafter as possible), for the permanent location of the county seat of the

county of Hill; said election shall be held at such places and under such rules and regulations as the Governor may prescribe.

SEC. 2. That the returns of said election shall be made to the Secretary of State, within twenty days after said election shall have been held, and the town receiving two-thirds of the votes cast shall be the permanent county seat of the county of Hill, but should no place receive two-thirds of the votes cast, the present county seat shall remain the permanent one.

SEC. 3. That the Governor shall, within twenty days after the returns of said election shall have been received, notify the Police Court of the county of Hill of the result of said election.

SEC. 4. That this act be in force from and after passage.

Approved August 12, 1870.

CHAPTER XLVIII.

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF THE EXPENSES OF MAINTAINING RANGING COMPANIES ON THE FRONTIER.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the sum of seven hundred and fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys in the State Treasury (derived from the sale or hypothecation of the bonds of the State issued for frontier protection), for the purpose of paying all expenses connected with the organization, arming and maintenance of the ranging companies on the frontier, called into service under the provisions of the act approved June 13, 1870.

SEC. 2. That this appropriation shall be expended under the direction of the Governor; and the Comptroller of Public Accounts shall, under the special direction of the Governor, audit all claims and accounts incurred for the purposes hereinbefore mentioned, and shall draw his warrant on the Treasurer for the payment of the same.

SEC. 3. That this act shall take effect from and after its passage.

Approved August 12, 1870.

CONSTITUTION

ADOPTED BY THE

State Constitutional Convention

OF THE

STATE OF LOUISIANA,

MARCH 7, 1868.

Printed by the New Orleans Republican, in accordance with a resolution of the Constitutional Convention, adopted March 7th, 1868.

NEW ORLEANS:
PRINTED AT THE REPUBLICAN OFFICE, 57 ST. CHARLES STREET.
1868.

mechanic any part of the wages due to such laborer, employe, tenant or mechanic, on account of any vote which such laborer, employe, tenant or mechanic has given or purposes to give, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five hundred dollars, one-half of which shall go to the school fund of the parish in which the offense was committed, and by imprisonment in the parish prison for not less than three months.

Interference with commissioners, etc.

SEC. 69. *Be it further enacted, etc.*, That any person who shall molest, disturb, interfere with, or threaten with violence, any commissioner of election or person in charge of the ballot boxes, while in charge of the same, between the time of the close of the polls and the time that said ballot boxes are delivered to the supervisor of registration, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars, or by imprisonment in the penitentiary not less than one year, or both, at the discretion of the court.

Disturbing the counting of ballots.

SEC. 70. *Be it further enacted, etc.*, That any person not authorized by this law to receive or count the ballots at an election, who shall, during or after any election, and before the votes have been counted by the supervisors of registration, disturb, displace, conceal, destroy, handle or touch any ballot, after the same has been received from the voter by a commissioner of election, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars, or by imprisonment for not less than six months, or both, at the discretion of the court.

Interference with ballot boxes.

SEC. 71. *Be it further enacted, etc.*, That any person not authorized by this law to take charge of the ballot boxes at the close of the election who shall take, receive, conceal, displace or [in] any manner handle or disturb any ballot box at any time between the hour of the closing of the polls and the transmission of the ballot box to the supervisor of registration, or during such transmission, or at any time prior to the counting of the votes by the supervisor of registration, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars, or by imprisonment in the penitentiary not less than one year, or both, at the discretion of the court.

Interference with free exercise of right of suffrage.

SEC. 72. *Be it further enacted, etc.*, That if any person shall by bribery, menace, willful falsehood, or other corrupt means, directly or indirectly attempt to influence any elector of this State in the giving his vote or ballot, or to induce him to withhold the same, or disturb or hinder him in the free exercise of the right of suffrage at any election in this State, he shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than five hundred dollars, and be imprisoned in the parish prison for a term not exceeding six months, and shall also be ineligible to any office in the State for the term of two years.

Weapons.

SEC. 73. *Be it further enacted, etc.*, That it shall be unlawful for any person to carry any gun, pistol, bowie knife or other dangerous weapon, concealed or unconcealed, on any day of election during the hours the polls are open, or on any day of registration or revision of registration, within a distance of one-half mile of any place of registration or revision of registration; any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dol-

lars, and by imprisonment in the parish jail for not less than one month; provided, that the provisions of this section shall not apply to any commissioner or officer of the election or supervisor or assistant supervisor of registration, police officer or other person authorized to preserve the peace on days of registration or election.

Liquors.

SEC. 74. *Be it further enacted, etc.*, That no person shall give, sell or barter any spirituous or intoxicating liquors to any person on the day of election, and any person found guilty of violating the provisions of this section shall be fined in a sum of not less than one hundred dollars, nor more than three hundred dollars, which shall go to the school fund.

Corruptly voting.

SEC. 75. *Be it further enacted, etc.*, That whoever, knowing that he is not a qualified elector, shall vote or attempt to vote at any election, shall be fined in a sum not to exceed one hundred dollars, to be recovered by prosecution before any court of competent jurisdiction.

Double vote.

SEC. 76. *Be it further enacted, etc.*, That whoever shall knowingly give or vote two or more ballots folded as one at any election, shall be fined in a sum not to exceed one hundred dollars, to be recovered by prosecution before any court of competent jurisdiction.

Bribery to influence voters.

SEC. 77. *Be it further enacted, etc.*, That whoever, by bribery or by a promise to give employment or higher wages to any person, attempts to influence any voter at any election, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, and by imprisonment in the parish prison for not less than three months.

Obtaining illegal voting.

SEC. 78. *Be it further enacted, etc.*, That whoever willfully aids or abets any one, not legally qualified, to vote or attempt to vote at any election, shall be fined in a sum of not less than fifty dollars, to be recovered by prosecution before any court of competent jurisdiction.

Disorderly houses.

SEC. 79. *Be it further enacted, etc.*, That whoever is disorderly at any poll or voting place during an election, shall be fined in a sum not less than twenty dollars, to be recovered by prosecution before any court of competent jurisdiction.

Meetings of citizens.

SEC. 80. *Be it further enacted, etc.*, That whoever shall molest, interrupt or disturb any meeting of citizens assembled to transact or discuss political matters, shall be fined in a sum not less than fifty dollars, to be recovered by prosecution before any court of competent jurisdiction.

Any sheriff, constable or police officer present at the violation of this section shall forthwith arrest the offender or offenders, and convey him or them, as soon as practicable, before the proper court.

Imprisonment.

SEC. 81. *Be it further enacted, etc.*, That the court imposing any fine, as directed in sections seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine and eighty of this act, shall commit the person so fined to the parish prison until the fine is paid; *Provided*, That said imprisonment shall not exceed six months.

Perjury.

SEC. 82. *Be it further enacted, etc.*, That in cases where any oath or affirmation shall be administered by any supervisor of registration, assistant supervisor of registration or commissioner of election, in the performance of his duty as prescribed by law, any person swearing or affirming falsely in the premises shall be deemed guilty of perjury, and subjected to the penalties provided by the law for perjury.

Duty of Governor to insure peace.

SEC. 83. *Be it further enacted, etc.*, That the Governor shall take all necessary steps to secure a fair, free and peaceable election; and shall, on the days of election, have paramount charge and con-

CHAPTER XLVI.

AN ACT to prevent the carrying of concealed weapons, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That any person, not being threatened with, or having good and sufficient reason to apprehend an attack, or traveling (not being a tramp) or setting out on a journey, or peace officers, or deputies in discharge of their duties, who carries concealed, in whole or in part, any bowie knife, pistol, brass knuckles, slung shot or other deadly weapon of like kind or description, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished for the first offence by a fine of not less than five dollars nor more than one hundred dollars, and in the event the fine and cost are not paid shall be required to work at hard labor under the direction of the board of supervisors or of the court, not exceeding two months, and for the second or any subsequent offence, shall, on conviction, be fined not less than fifty nor more than two hundred dollars, and if the fine and costs are not paid, be condemned to hard labor not exceeding six months under the direction of the board of supervisors, or of the court. That in any proceeding under this section, it shall not be necessary for the State to allege or prove any of the exceptions herein contained, but the burden of proving such exception shall be on the accused.

When concealed weapons may be carried.

Penalty for carrying weapons.

Burden of proof on accused.

SEC. 2. *Be it further enacted*, That it shall not be lawful for any person to sell to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any weapon of the kind or description in the first section of this Act described, or any pistol cartridge, and on conviction shall be punished by a fine not exceeding two hundred dollars, and if the fine and costs are not paid, be condemned to hard labor under the direction of the board of supervisors or of the court, not exceeding six months.

Minors, or persons intoxicated.

Minor under 16 years.

SEC. 3. *Be it further enacted*, That any father, who shall knowingly suffer or permit any minor son under the age of sixteen years to carry concealed, in whole or in part, any weapon of the kind or description in the first section of this Act described, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than twenty dollars, nor more than two hundred dollars, and if the fine and costs are not paid, shall be condemned to hard labor under the direction of the board of supervisors or of the court.

Students.

SEC. 4. *Be it further enacted*, That any student of any university, college or school, who shall carry concealed, in whole or in part, any weapon of the kind or description in the first section of this Act described, or any teacher, instructor, or professor who shall, knowingly, suffer or permit any such weapon to be carried by any student or pupil, shall be deemed guilty of a misdemeanor, and, on conviction, be fined not exceeding three hundred dollars, and if the fine and costs are not paid, condemned to hard labor under the direction of the board of supervisors or of the court.

Tax fee of justice.

SEC. 5. *Be it further enacted*, That each justice of the peace before whom a conviction is had, shall, in addition to the costs now allowed by law, be entitled to a tax fee of two dollars and a half.

Act to be read in courts

SEC. 6. *Be it further enacted*, That immediately after the passage of this Act, the Secretary of State shall transmit a copy to each circuit judge in the State, who shall cause the same to be read in open court on the day for the calling of the State docket of the court.

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage.

APPROVED, February 28, 1878.

buildings and grounds shall hereafter be used exclusively for State purposes, the title to the same being in the State.

SEC. 2. That this act take effect and be in force thirty days after its passage, allowing that time for said county to vacate said rooms, &c.

Approved, April 1st, 1881.

No. XCVI.

AN ACT To Preserve the Public Peace and Prevent Crime.

SECTION

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That any person who shall wear or carry, in any manner whatever, as a weapon, any dirk or bowie knife, or a sword, or a spear in a cane, brass or metal knucks, razor, or any pistol of any kind whatever, except such pistols as are used in the army or navy of the United States, shall be guilty of a misdemeanor; *Provided*, That officers, whose duties require them to make arrests, or to keep and guard prisoners, together with the persons summoned by such officers, to aid them in the discharge of such duties, while actually engaged in such duties, are exempted from the provisions of this act. *Provided, further*, That nothing in this act be so construed as to prohibit any person from carrying any weapon when upon a journey, or upon his own premises.

SEC. 2. Any person, excepting such officers, or persons on a journey, and on his premises, as are mentioned in section one of this act, who shall wear or carry any such pistol as in [is] used in the army or navy of the United States, in any manner except uncovered, and in his hand, shall be deemed guilty of a misdemeanor.

SEC. 3. Any person who shall sell, barter or exchange, or otherwise dispose of, or in any manner furnish to any person *any person* any dirk or bowie knife, or a sword or a spear in a cane, brass or metal knucks, or any pistol, of any kind whatever, except such as are used in the army or navy of the United States, and known as the navy pistol, or any kind of cartridge, for any pistol, or any person who shall keep any such arms or cartridges for sale, shall be guilty of a misdemeanor.

SEC. 4. Any person convicted of a violation of any of the provisions of this act, shall be punished by a fine of not less than fifty nor more than two hundred dollars.

SEC. 5. Any justice of the peace in this State, who, from his own knowledge, or from legal information, knows, or has reasonable grounds to believe, any person guilty of the violation of the provisions of this act, and shall fail or refuse to proceed against such person, shall be deemed guilty of a nonfeasance in office, and upon conviction thereof, shall be punished by the same fines and penalties as provided in section four of this act, and shall be removed from office.

SEC. 6. Any officer in this State, whose duty it is to make arrests, who may have personal knowledge of any person carrying arms contrary to the provisions of this act, and shall fail or refuse to arrest such person and bring him to trial, shall be punished, as provided in section four of this act.

SEC. 7. All persons violating any of the provisions of this act may be prosecuted in any of the courts of this State, having jurisdiction to try the same.

SEC. 8. All laws or parts of laws, in conflict with the provisions of this act are hereby repealed, and this act to take effect and be in force ninety days after its passage.

Approved, April 1st, 1881.

within thirty days after the said misdemeanor is alleged to have been committed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 5, 1883.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper, March 6, 1883. JAMES SMITH, *Secretary of State.*

CHAPTER CV.

CRIMES AND PUNISHMENTS—RELATING TO MINORS AND DEADLY WEAPONS OR TOY PISTOLS.

[House Bill No. 99.]

AN ACT to prevent selling, trading or giving deadly weapons or toy pistols to minors, and to provide punishment therefor.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol, by which cartridges or caps may be exploded, or any dirk, bowie-knife, brass knuckles, slung shot, or other dangerous weapons to any minor, or to any person of notoriously unsound mind, shall be deemed guilty of a misdemeanor, and shall, upon conviction before any court of competent jurisdiction, be fined not less than five nor more than one hundred dollars.

SEC. 2. Any minor who shall have in his possession any pistol, revolver or toy pistol, by which cartridges may be exploded, or any dirk, bowie-knife, brass knuckles, slung shot or other dangerous weapon, shall be deemed guilty of a misdemeanor, and upon conviction before any court of competent jurisdiction shall be fined not less than one nor more than ten dollars.

SEC. 3. This act to take effect and be in force from and after its publication in the official state paper.

Approved March 5, 1883.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper, March 6, 1883. JAMES SMITH, *Secretary of State.*

CHAPTER CVI.

POLITICAL DISABILITIES REMOVED.

[Substitute for House Bills No. 126, 299, 290, 337, and 16.]

AN ACT to remove the political disabilities of certain persons therein named.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the political disabilities imposed by section two of article five of the constitution of the state of Kansas, as amended November fifth, eighteen hundred and sixty-seven, upon the following named persons: W. H. Camp, M. W. Boswell and John Williamson, of Rush county; Daniel F. Miller, of Reno county; George F. Miller, of Rice county; J. H. Heartley, J. J. Harney, J. L. Burt and A. D. Lee, of Butler county; Jerome W. Fugate, of Douglas county; Alonzo M. Moore, of Cowley county; A. J. McMakin, Phill. Cantrall, A. McDonald, F. Simmons, J. B. Ewer and Ben. D. Lillard, of Franklin county; Alex. Weller and James H. Bradley, of ——; Henry H. Harper, William A. Hodges, D. C. McMaster, Z. H. Lowdermilk and B. S. Moore, of Cherokee county; Mathew Boyle, of Leavenworth county; Jefferson Garnett, of Barbour county; James Lawhorn, of Doniphan county; H. H. Harris and John P. Ward, of Sedgwick county; Wm. Wilkinson, W. P. Bruce, Watson Compton, John Bird and J. A. Minnis, of Barton county; Quincy A. Kellogg, of Neosho county; Dr. David Beeler, John F. Lightburn and James H. Meece, of Sumner county; A. R. Payne, James Ruddell, William S. Dyer, John H. Park, H. H. Robinson and Edward Baker, of Chautauqua county; Lafayette Adams and J. T. Swinney, of Wilson county; William M. Guinn, Alexander T. Ar-

1883, Missouri Session Laws, Regular Session ...

Missouri Session Laws

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. Any person or persons doing a commission business in this state who shall receive cattle, hogs, sheep, grain, cotton or other commodities consigned or shipped to him or them for sale on commission, and who shall wilfully make a false return to his or their consignor or shipper, in an account of sale or sales of any such cattle, hogs, sheep, grain, cotton or other commodities made and rendered by such person or persons for and to such consignor or shipper, either as to weights or prices, shall be guilty of a misdemeanor and shall, on conviction, be punished by imprisonment in the county jail not exceeding one year, or by a fine not exceeding five hundred dollars nor less than two hundred dollars, or by fine not less than one hundred dollars and imprisonment in the county jail not less than three months.

Approved April 2, 1883.

CRIMES AND CRIMINAL PROCEDURE: CONCEALED WEAPONS.

AN ACT to amend section 1274, article 2, chapter 24 of the Revised Statutes of Missouri, entitled "Of Crimes and Criminal Procedure."

SECTION 1. Carrying concealed weapon, etc., penalty for increased.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. That section 1274 of the Revised Statutes of Missouri be and the same is hereby amended by inserting the word "twenty" before the word "five" in the sixteenth line of said section, and by striking out the word "one" in the same line and inserting in lieu thereof the word "two," and by striking out the word "three" in the seventeenth line of said section and inserting in lieu thereof the word "six," so that said section, as amended, shall read as follows: Section 1274. If any person shall carry concealed, upon or about his person, any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill or meetings called under the militia law of this state, having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, slung-shot or other deadly weapon, or shall in the presence of one or more persons exhibit any such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Approved March 5, 1883.

Object Description

Title
1883, Missouri Session Laws, Regular Session

Identifier
index.cpd

Collection Name
Missouri Session Laws, 1824-Present (/digital/collection/molaws/search/searchterm/Missouri Session Laws%2C 1824-Present/field/relati/mode/exact/conn/and)

Creator
Missouri. General Assembly

Subject.LCSH
Banks and banking--Missouri; Dentistry--Missouri; Education--Missouri; Elections--Missouri; Insurance law--Missouri; Law and legislation--Missouri; Marriage licenses--Law and legislation--Missouri; Militia--Missouri; Missouri--Appropriations and expenditures; Missouri. General Assembly; Missouri. State Board of Health; Missouri State Penitentiary; Pharmacy--Law and legislation--Missouri; Railroads--Missouri; Revenue--Missouri; Roads--Missouri; Swamps--Missouri; University of Missouri

Subject.Local
32nd General Assembly; Animal control; Cities and towns--Law and legislation; Courts--Missouri; Laws of Missouri; Schools--Missouri; Private legislation; Private relief; Real estate--Law and lgislation; Session Laws (Mo.); State prison fire, 1883; Union military bonds

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Laws of Missouri, 1883, Regular Session

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January 3, 1883

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Item Description

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Missouri Session Laws

Identifier
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Collection Name
Missouri Session Laws, 1824-present (/digital/collection/molaws/search/searchterm/Missouri Session Laws%2C 1824-present/field/relati/mode/exact/conn/and)

Creator
Missouri. General Assembly

Subject.LCSH
Banks and banking--Missouri; Law and legislation--Missouri; Missouri--Appropriations and expenditures; Missouri. General Assembly; Revenue--Missouri;

Subject.Local
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moral purpose, exhibition or practice whatsoever, or for, or in any business, exhibition or vocation injurious to the health or dangerous to the life or limb of such child, or cause, procure, or encourage any such child to engage therein. Nothing in this section contained shall apply to, or affect the employment or use of any such child as a singer or musician in any church, school or academy, or at any respectable entertainment, or the teaching or learning the science or practice of music.

¶ 83. Children — Unlawful to exhibit.] § 2. It shall also be unlawful for any person to take, receive, hire, employ, use, exhibit, or have in custody any child under the age and for the purposes prohibited in the first section of this Act.

¶ 84. Order as to custody.] § 3. When upon examination before any court or magistrate it shall appear that any child within the age previously mentioned in this Act was engaged or used, for or in any business, or exhibition, or vocation, or purpose prohibited in this Act; and when upon the conviction of any person of a criminal assault upon a child in his or her custody, the court or magistrate before whom such conviction is had, shall deem it desirable for the welfare of such child, that the person so convicted should be deprived of its custody; thereafter such child shall be deemed to be in the custody of court, and such court or magistrate may, in its discretion, make such order as to the custody thereof as now is, or hereafter may be, provided by law in cases of vagrant, truant, disorderly, pauper, or destitute children.

¶ 85. Endangering life or health.] § 4. It shall be unlawful for any person having the care or custody of any child, willfully to cause or permit the life of such child to be endangered, or the health of such child to be injured, or willfully cause or permit such child to be placed in such a situation that its life or health may be endangered.

¶ 86. Penalty.] § 5. Any person convicted under the provisions of the preceding sections, shall for the first offense be fined not exceeding one hundred dollars or imprisoned in the county jail not exceeding three months, or both, in the discretion of the court; and upon conviction for a second or any subsequent offense shall be fined in any sum not exceeding five hundred dollars, or imprisonment in the penitentiary for a term not exceeding two years, or both, in the discretion of the court.

[General Act of 1874 resumed.]

CURRENCY UNAUTHORIZED.

¶ 87. Issuing or uttering.] § 54. Whoever issues or passes any note, bill, order or check, other than foreign bills of exchange, the notes or bills of the United States, or of some bank incorporated by the laws of this State, or of the United States, or of some one of the United States, or by the laws of either of the British provinces in North America, with intent that the same shall be circulated as currency, shall be fined not less than 100 nor more than $1,000 for each offense, and shall not be permitted to collect any demand arising therefrom.

In lieu of R. S. 1845, p. 175, § 136, and L. 1867, p. 49, § 1.

DEADLY WEAPONS.

AN ACT to regulate the traffic in deadly weapons, and to prevent the sale of them to minors. Approved April 16, 1881. In force July 1, 1881. L. 1881, p. 73.

¶ 88. Possession or sale forbidden — Penalty.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That whoever shall have in his possession, or sell, give or loan, hire or barter, or

whoever shall offer to sell, give, loan, hire or barter, to any person within this State, any slung-shot or metallic knuckles, or other deadly weapon of like character, or any person in whose possession such weapons shall be found, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten dollars ($10) nor more than two hundred dollars ($200).

¶ 89. Deadly weapons — Not to be sold minors.] § 2. Whoever, not being the father, guardian or employer of the minor herein named, by himself or agent, shall sell, give, loan, hire or barter, or shall offer to sell, give, loan, hire or barter to any minor within this State, any pistol, revolver, derringer, bowie knife, dirk or other deadly weapon of like character, capable of being secreted upon the person, shall be guilty of a misdemeanor, and shall be fined in any sum not less than twenty-five dollars ($25) nor more than two hundred dollars ($200).

¶ 90. ——— Register of sales — Penalty.] § 3. All persons dealing in deadly weapons, hereinbefore mentioned, at retail within this State shall keep a register of all such weapons sold or given away by them. Such register shall contain the date of the sale or gift, the name and age of the person to whom the weapon is sold or given, the price of the said weapon, and the purpose for which it is purchased or obtained. The said register shall be in the following form:

No. of Weapon.	To Whom Sold or Given.	Age of Purchaser.	Kind and Description of Weapon.	For What Purpose Purchased or Obtained.	Price of Weapon.

Said register shall be kept open for the inspection of the public, and all persons who may wish to examine the same may do so at all reasonable times during business hours. A failure to keep such register, or to allow an examination of the same, or to record therein any sale or gift of a deadly weapon, or the keeping of a false register, shall be a misdemeanor, and shall subject the offender to a fine of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200).

¶ 91. Concealed weapon — Flourishing weapon.] § 4. Whoever shall carry a concealed weapon upon or about his person of the character in this Act specified, or razor as a weapon, or whoever, in a threatening or boisterous manner, shall display or flourish any deadly weapon, shall be guilty of a misdemeanor, and shall be fined in any sum not less than twenty-five dollars ($25) nor more than two hundred dollars ($200).

¶ 92. Penalties — How recovered — Second offense.] § 5. All fines and penalties specified in this Act may be recovered by information, complaint or indictment, or other appropriate remedy, in any court of competent jurisdiction; and, when recovered, shall be paid into the county treasury of the county where the conviction is had, and become a part of the current revenue of the county; or the said fines and penalties may be recovered by *qui tam* action, one-half to be paid to the informer, and the other half to be paid into the county treasury, as aforesaid. For a second violation of any of the provisions of this Act the offender shall be fined in double the amount herein specified, or may be committed to the county jail for any term not exceeding twenty days, in the discretion of the court.

¶ 93. Peace officers exempt.] § 6. Section four (4) of this Act shall not apply to sheriffs, coroners, constables, policemen or other peace officers, while engaged in the discharge of their official duties, or to any person sum-

LAWS

OF THE

STATE OF MARYLAND,

MADE AND PASSED AT A SESSION OF THE GENERAL ASSEMBLY,

Begun and held at the City of Annapolis, on the Sixth day of January, and ended on the Fifth day of April, 1886.

1886

PUBLISHED BY AUTHORITY.

BALTIMORE:
JOHN MURPHY & CO.
Publishers of the New Revised Code of Maryland, Hinkley's Testamentary Law, &c.
182 BALTIMORE STREET.

GEORGE T. MELVIN, STATE PRINTER.
1886.

G. L. Copeland; and also to issue his warrant upon the Treasurer for the sum of sixty dollars, payable to the order of Abram Zarks; and also to issue his warrant upon the Treasurer for the sum of sixty dollars, payable to the order of C. E. Gordon; the said sums of money having been paid for State license erroneously issued to said persons by the Clerk of the Circuit Court of Anne Arundel county.

SEC. 2. *And be it enacted*, That this act shall take effect from the date of its passage. Effective.

Approved April 7, 1886.

CHAPTER 189.

AN ACT to prevent the carrying of guns, pistols, dirk-knives, razors, billies or bludgeons by any person in Calvert county, on the days of election in said county, within one mile of the polls.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That from and after the passage of this act, it shall not be lawful for any person in Calvert county to carry, on the days of election and primary election, within three hundred yards of the polls, secretly, or otherwise, any gun, pistol, dirk, dirk-knife, razor, billy or bludgeon, and any person violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof by the Circuit Court of Calvert county having criminal jurisdiction thereof, or before any Justice of the Peace in said county, shall be fined not less than ten nor more than fifty dollars for each offence, and on refusal or failure to pay said fine, shall be committed to the Jail of the county until the same is paid. Unlawful to carry weapons to the polls.

SEC. 2. *And be it enacted*, That the fines collected under this act shall be paid by the offi-

Fines go to schools.

cer collecting the same, to the School Commissioners of the county in which the offence was committed, for School purposes.

SEC. 3. *And be it enacted*, That any Constable of said county, or the Sheriff thereof, who shall refuse to arrest any person violating any provision of this act, upon information of such offence, shall be deemed guilty of a misdemeanor, and on conviction thereof before the Circuit Court for Calvert county, as the case may be, shall be fined not less than fifty nor more than one hundred dollars, and shall, in the discretion of the Court, be discharged from office.

Misdemeanor.

Penalty.

Effective.

SEC. 4. *And be it enacted*, That this act shall take effect from the date of its passage.

Approved April 7, 1886.

CHAPTER 190.

AN ACT to repeal section three of the acts of eighteen hundred and eighty-four, chapter sixteen, entitled an act for the protection of birds in Prince George's and Anne Arundel counties, and to re-enact the same with amendments, and to add new sections thereto.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That section three of chapter sixteen of the acts of eighteen hundred and eighty-four, entitled an act for the protection of birds in Prince George's and Anne Arundel counties, be and the same is hereby repealed and re-enacted so as to read as follows, and that new sections be added thereto.

Repealed and re-enacted.

SEC. 3. *And be it enacted*, That it shall not be lawful for any person or persons in said counties to shoot, kill or catch or in any way to

submitting plan and estimate for its improvement; and the Chief of Engineers shall submit to the Secretary of War the reports of the local and division engineers, with his views thereon and his opinion of the public necessity or convenience to be subserved by the proposed improvement; and all such reports of preliminary examinations with such recommendations as he may see proper to make, shall be transmitted by the Secretary of War to the House of Representatives, and are hereby ordered to be printed when so made.

Reports to be sent to House of Representatives and printed.

Appropriation for examinations, etc.

SEC. 8. For preliminary examinations, contingencies, expenses connected with inspection of bridges, the service of notice required in such cases, the examination of bridge sites and reports thereon, and for incidental repairs for which there is no special appropriation for rivers and harbors, one hundred and twenty-five thousand dollars: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this act shall be made: *And provided further*, That after the regular or formal report on any examination, survey, project, or work under way or proposed is submitted, no supplemental or additional report or estimate, for the same fiscal year, shall be made unless ordered by a resolution of Congress. The Government shall not be deemed to have entered upon any project for the improvement of any water way or harbor mentioned in this act until funds for the commencement of the proposed work shall have been actually appropriated by law.

Provisos.
No survey, etc., unless provided for.

No supplemental reports, etc., to be made.

No project authorized until appropriation made.

Approved, July 13, 1892.

July 13, 1892.

CHAP. 159.—An Act to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful for any person or persons within the District of Columbia, to have concealed about their person any deadly or dangerous weapons, such as daggers, air-guns, pistols, bowie-knives, dirk knives or dirks, blackjacks, razors, razor blades, sword canes, slung shot, brass or other metal knuckles.

District of Columbia.

Carrying concealed weapons forbidden.

Openly carrying weapons with unlawful intent forbidden.

SEC. 2. That it shall not be lawful for any person or persons within the District of Columbia to carry openly any such weapons as hereinbefore described with intent to unlawfully use the same, and any person or persons violating either of these sections shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for the first offense, forfeit and pay a fine or penalty of not less than fifty dollars nor more than five hundred dollars, of which one half shall be paid to any one giving information leading to such conviction, or be imprisoned in the jail of the District of Columbia not exceeding six months, or both such fine and imprisonment, in the discretion of the court: *Provided*, That the officers, non-commissioned officers, and privates of the United States Army, Navy, or Marine Corps, or of any regularly organized Militia Company, police officers, officers guarding prisoners, officials of the United States or the District of Columbia engaged in the execution of the laws for the protection of persons or property, when any of such persons are on duty, shall not be liable for carrying necessary arms for use in performance of their duty: *Provided, further*, that nothing contained in the first or second sections of this act shall be so construed as to prevent any person from keeping or carrying about his place of business, dwelling house, or premises any such dangerous or deadly weapons, or from carrying the same from place of purchase to his dwelling house or place of business or from his dwelling house or place of business to any place where repairing is done, to have the same repaired, and back again: *Provided further*, That nothing contained in the first or second sections of this act shall be so construed as to apply to any person who shall have been granted a written permit to carry such weapon or weapons by any judge of the police court of the District

Punishment, first offense.

Provisos.
Exceptions.

Lawful use of weapons.

Permits.

of Columbia, and authority is hereby given to any such judge to grant such permit for a period of not more than one month at any one time, upon satisfactory proof to him of the necessity for the granting thereof; and further, upon the filing with such judge of a bond, with sureties to be approved by said judge, by the applicant for such permit, conditioned to the United States in such penal sum as said judge shall require for the keeping of the peace, save in the case of necessary self-defense by such applicant during the continuance of said permit, which bond shall be put in suit by the United States for its benefit upon any breach of such condition.

Punishment, second offense.

SEC. 3. That for the second violation of the provisions of either of the preceding sections the person or persons offending shall be proceeded against by indictment in the supreme court of the District of Columbia, and upon conviction thereof shall be imprisoned in the penitentiary for not more than three years.

Disposition of weapons taken from offenders.

SEC. 4. That all such weapons as hereinbefore described which may be taken from any person offending against any of the provisions of this act shall, upon conviction of such person, be disposed of as may be ordered by the judge trying the case, and the record shall show any and all such orders relating thereto as a part of the judgment in the case.

Punishment for sale of weapons to minors.

SEC. 5. That any person or persons who shall, within the District of Columbia, sell, barter, hire, lend or give to any minor under the age of twenty-one years any such weapon as hereinbefore described shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, pay a fine or penalty of not less than twenty dollars nor more than one hundred dollars, or be imprisoned in the jail of the District of Columbia not more than three months. No person shall engage in or conduct the business of selling, bartering, hiring, lending, or giving any weapon or weapons of the kind hereinbefore named without having previously obtained from the Commissioners of the District of Columbia a special license authorizing the conduct of such business by such person, and the said Commissioners are hereby authorized to grant such license, without fee therefor, upon the filing with them by the applicant therefor of a bond with sureties to be by them approved, conditioned in such penal sum as they shall fix to the United States for the compliance by said applicant with all the provisions of this section; and upon any breach or breaches of said condition said bond shall be put in suit by said United States for its benefit, and said Commissioners may revoke said license. Any person engaging in said business without having previously obtained said special license shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars, of which one half shall be paid to the informer, if any, whose information shall lead to the conviction of the person paying said fine. All persons whose business it is to sell barter, hire, lend or give any such weapon or weapons shall be and they hereby, are, required to keep a written register of the name and residence of every purchaser, barterer, hirer, borrower, or donee of any such weapon or weapons, which register shall be subject to the inspection of the major and superintendent of Metropolitan Police of the District of Columbia, and further to make a weekly report, under oath to said major, and superintendent of all such sales, barterings, hirings, lendings or gifts. And one half of every fine imposed under this section shall be paid to the informer, if any, whose information shall have led to the conviction of the person paying said fine. Any police officer failing to arrest any person guilty in his sight or presence and knowledge of any violation of any section of this act shall be fined not less than fifty nor more than five hundred dollars

Special license for dealers in weapons.

Penalty for dealing without license.

Register of sales, etc.

Half of fine to informer.

Penalty for failure to arrest by officers.

Repeal.

SEC 6. That all acts or parts of acts inconsistent with the provisions of this act be, and the same hereby are, repealed.

Approved, July 13, 1892.

July 13, 1892.

CHAP. 160.—An act authorizing The Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Texas.

Aransas Harbor and Terminal Railway Company may bridge Corpus Christi Channel, Tex.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That The Aransas Harbor Terminal Railway Company, a corporation chartered under the laws of the State of Texas, is hereby authorized and empowered to erect, construct, maintain, and operate a bridge over and across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Texas. Said bridge shall be constructed to provide for the passage of railway trains on and over a double or single track as said Aransas Harbor Terminal Railway Company may elect.

Railway bridge.

Draw.

Provisos.

Opening draw.

Lights, etc.

Unobstructed navigation.

SEC. 2. That said bridge shall be constructed with a draw or turn of sufficient capacity to afford free passage to such vessels and boats as navigate said channel: *Provided*, That said bridge shall be opened promptly upon reasonable signal for the passage of boats and other water craft, except when trains are passing over the draw or turn; but in no case shall unnecessary delay occur in opening the draw or turn after the passage of trains or at any other time; and the said Aransas Harbor Terminal Railway Company shall maintain at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the United States Light-House Board shall prescribe. And no bridge shall be erected and maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said channel; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of such bridge to be made as will effectually obviate such obstruction, and all such alterations shall be made and all such obstructions be removed at the expense of the owner of said bridge. And in case of any obstruction, or alleged obstruction, to the navigation of said channel, caused, or alleged to be caused, by said bridge, the case may be brought in the circuit court of the United States in which any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of navigation of rivers, or to exempt this bridge from the operations of the same. That all railroad companies desiring the use of any bridge constructed under this act shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge, and the several railroad companies, or any one of them desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

Litigation.

Existing laws not affected.

Use by other companies.

Terms.

Secretary of War to approve plans, etc.

SEC. 3. That any bridge authorized to be constructed under this act shall be located and built under and subject to such regulations for the security of said channel as the Secretary of War shall prescribe; and to secure that object, the said corporation shall, at least two months previous to the commencement of the construction of said bridge, submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location, giving such information as may be necessary to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such information as may be required for a full and satisfactory understanding of the subject; and until such plan and location of the bridge are approved by the Secretary of War, the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction or after completion such change shall be subject to the approval of the Secretary of War.

Changes.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

KNIFE RIGHTS INC., *et al.*, Plaintiffs, v. MERRICK GARLAND, *et al.*, Defendants.	Civil Action No. 4:23-cv-547-O

DECLARATION OF MATTHEW ZABKIEWICZ

I, Matthew Zabkiewicz, hereby state and declare:

1. I am employed by the U.S. Department of Justice, in the Executive Office for United States Attorneys (EOUSA). Within EOUSA, I am assigned to the Legal Programs Office, on its Data Integrity and Analysis staff (DIA). I am a Management and Program Analyst in DIA and have served in this position since January 1, 2023. Prior to my current position, I was employed by the United States Attorney's Office (USAO) for the Eastern District of Michigan having worked with USAO case management systems and data reporting since 2003.

2. I make this declaration in my official capacity as an EOUSA employee, based upon my own personal knowledge and information provided to me in the course of my duties.

3. DIA is the primary source of statistical information and analysis for EOUSA regarding caseloads at the USAOs. Among other functions, DIA extracts data entered into CaseView, EOUSA's case management system used by all USAOs nationwide to record and monitor their cases and manage their caseloads. DIA queries data to respond to requests from within and outside the Department of Justice for data regarding those USAOs' criminal, civil, and appellate caseloads.

4. For criminal prosecutions, CaseView tracks the statutory basis for each, specifically

the provision of the United States Code at issue. Any prosecutions by the USAOs under the Federal Switchblade Act would be entered in CaseView, specifically under 15 U.S.C. § 1242, the provision that carries criminal penalties.

5. On Friday, January 3, 2025, I queried CaseView data for all criminal prosecutions under the Switchblade Act, section 15 U.S.C. § 1242. The query of the current database, which contains data from 2004 to the present, revealed that there have been only four criminal cases filed by the USAOs under 15 U.S.C. § 1242, each occurring in a different USAO. There have been no federal prosecutions under section 15 U.S.C. § 1242 since 2010 according to the query results. Additionally, I queried the database for prosecutions under section 15 U.S.C. § 1243. There have been no recorded prosecutions under section 15 U.S.C. § 1243 since at least 2004.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: January 7, 2025

MATTHEW ZABKIEWICZ
Executive Office for U.S. Attorneys