

BLACKS AND MULATTOES.

AN ACT to regulate Blacks and Mulattoes.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa.* That, from and after the first day of April next, no black or mulatto person shall be permitted to settle or reside in this Territory, unless he or she shall produce a fair certificate, from some court within the United States, of his or her actual freedom, which certificate shall be attested by the clerk of said court, and the seal thereof annexed thereto by the said court, and give bond, with good and sufficient security, to be approved of by the board of county commissioners of the proper county in which such person of color may reside, payable to the United States, in the penal sum of five hundred dollars, conditioned that such person shall not at any time become a charge to the said county in which the said bond shall be given, nor to any other county in this Territory, as also for such person's good behaviour, which bond shall be filed in the clerk's office of the county where the same may be taken. And a conviction of such negro or mulatto, of any crime or misdemeanor against the penal laws of this Territory, shall amount to a forfeiture of the condition of such bond.

SEC. 2. If any negro or mulatto, coming into this Territory as aforesaid, shall fail to comply with the provisions of the first section of this act, it shall be and is hereby made the duty of the county commissioners, in any county where such negro or mulatto may be found, to summon him, her, or them, to appear before some justice of the peace to show cause why he, she, or they shall not comply with the provisions of this act; which summons shall be issued by a justice of the peace, on the application of any county commissioner in this Territory, and shall be executed by the proper constable. And if such negro or mulatto shall still fail to give the bond and security required by the first section of this act, after being brought before such justice as aforesaid, it shall be the duty of the county commissioners of such county to hire out such negro or mulatto, for six months, for the best price in cash that can be had. The proceeds arising from such hiring shall be paid into the county treasury of the

Certificate of freedom required under seal.

Bond and security required, and by whom approved. In what sum. Condition.

Forfeiture.

On failure to comply with this act, proceedings to be instituted.

Failing to give bond, negro or mulatto to be hired out.

Proceeds of hiring, how disposed of.

proper county, for the use of such negro or mulatto, in such manner as shall be directed by the board of county commissioners aforesaid.

Penalty for committing to prison, without authority of law.

SEC. 3. Any sheriff, or jailer, who shall hereafter commit, or suffer to be committed, to prison, any negro or mulatto, without a lawful *mittimus*, or being otherwise authorized by law for that purpose, or under the provisions of this act, such person or persons, so offending, shall pay a fine of not less than fifty, nor more than one hundred dollars.

Penalty for hiring, &c., any negro before giving bond.

SEC. 4. Should any person or persons knowingly engage, or hire, or harbor, such negro or mulatto, hereafter coming, or being brought into this Territory, without such colored person first complying with the provisions of this act, such person or persons, so offending, shall pay a fine of not less than five, nor more than one hundred dollars, to be recovered by presentment or indictment.

How recovered.

Servants of travellers and visitors exempt.

SEC. 5. That the right of any person or persons to pass through this Territory with his, her, or their negroes or mulattoes, servant or servants, when emigrating or travelling to any other State, or Territory, or country, or on a visit, is hereby declared and secured.

To whom application shall be made by persons claiming negroes or mulattoes.

SEC. 6. That in case any person or persons, his or their agent or agents, claiming any black or mulatto person that now is or hereafter may be in this Territory, shall apply to any judge of the district court, or justice of the peace, and shall make satisfactory proof that such black or mulatto person or persons is or are the property of him or her who applies, or for whom application is made. the said judge or justice is hereby empowered and required, by his precept, to direct the sheriff or constable to arrest such black or mulatto person or persons, and deliver the same to the claimant or claimants, his or their agent or agents, for which service the sheriff or constable shall receive such compensation as they are entitled to receive in other cases for similar services.

Arrest by sheriff or constable.

Compensation to officer.

District attorneys to prosecute.

Compensation.

SEC. 7. That it shall be the duty of the district attorneys, of the respective counties, to prosecute all violations of this act, when thereunto required, and they shall be entitled to the same compensation in the manner provided for in other cases of offence against the laws of this Territory.

APPROVED, January 21, 1839.