

ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,

PASSED AT
THE REGULAR SESSION OF 1855,
WITH AN
APPENDIX,

Containing the State Treasurer's Annual Reports for the Years 1853 and
1854; also Certified Statements of Boards of Supervisors relative
to the Erection of New Townships.



BY AUTHORITY.

LANSING:
GEO. W. PECK, PRINTER TO THE STATE.

1855.

government of said companies, subject to the approval of the common council; and they may impose such fines for the non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of such village, a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such shall be exempt from serving on juries and working a poll tax on the streets and highways of said village; and it shall be the duty of every fire company to keep in good and perfect repair the fire-engines, hose, ladders, and other instruments of such company; and it shall be the duty of each fire company to assemble at least once in each month, or as often as may be directed by said common council, for the purposes of working or examining said engine and other instruments, with a view to the perfect order and repair.

Fines for neglect of duty.

Exemption of members of fire companies.

Meetings of fire companies.

Sec. 27. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing said fire, as in preventing any goods from being stolen, and also, in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them who may be present at the fire.

Duty of marshal in case of fire.

Sec. 28. This act shall be deemed a public act.

Sec. 29. This act shall take effect immediately.

Approved February 13, 1855.

[No. 162.]

AN ACT to protect the rights and liberties of the inhabitants of this State.

SECTION 1. *The People of the State of Michigan enact, That* it shall be the duty of the prosecuting attorneys within their respective counties, whenever any inhabitant of this State is arrested or claimed as a fugitive slave, on being informed thereof, diligently and faithfully to use all lawful means to protect and defend every such person so arrested or claimed as a fugitive slave.

Duty of prosecuting attorney.

Sec. 2. All persons so arrested and claimed as fugitive slaves, shall be entitled to all the benefits of the writ of habeas corpus and of trial by jury.

Habeas corpus and trial by jury.

Appeal allowed.

Sec. 3. If such writ of habeas corpus shall be sued out in vacation, and if, upon the hearing of the same, the person imprisoned, arrested, or claimed as a fugitive slave, shall not be discharged, such person shall be entitled to an appeal to the circuit court for the county in which such hearing shall have been had, on furnishing such bail, and within such time as the officer granting the writ or hearing the case shall judge reasonable and proper.

Court to direct trial by jury.

Sec. 4. The court to which such appeal is taken, and any court to which a writ of habeas corpus in behalf of any such person claimed or arrested as a fugitive slave is made returnable, may and shall, on application of either party to such proceedings, allow and direct a trial by jury on all questions of fact in issue between the parties in the matter aforesaid; and the taxable costs of such trial shall be chargeable to the State, whenever the same would be otherwise chargeable to the person arrested or claimed as a fugitive slave.

Costs, how charged.

Not to be imprisoned in jail, &c.

Sec. 5. No person arrested and claimed as a fugitive slave shall be imprisoned in any jail or other prison in this State; and any person having the care or control of any jail or prison, and knowingly permitting the imprisonment of such alleged fugitive slave therein, shall be subjected to the payment of a fine of not less than five hundred nor more than one thousand dollars.

Falsely charging person with being fugitive, &c., how punished.

Sec. 6. Every person who shall falsely declare, represent or pretend, that any free person entitled to freedom is a slave, or owes service or labor to any person or persons, with intent to procure, or aid or assist in procuring the forcible removal of such free person from this State as a slave, shall be imprisoned not less than three nor more than five years in the State Prison.

Seizing free person with intent, &c., how punished.

Sec. 7. Every person who shall wrongfully and maliciously seize, or procure to be seized, any free person entitled to freedom, with intent to have such person held in slavery, shall pay a fine of not less than five hundred nor more than one thousand dollars, and be imprisoned five years in the State Prison.

Two witnesses required in certain cases.

Sec. 8. In all cases arising under the provisions of sections six and seven of this act, the truth of any declaration, representation or pretense, that any person being or having been in this State, is or was a slave, or owes or did owe service or labor to any other person or persons, shall not be deemed proved except by the testimony of at least two credible

witnesses, testifying to facts directly tending to establish the truth of such declaration, pretense, or representation, or by legal evidence equivalent thereto.

Sec. 9. No declaration, pretense, or representation, that any person is or was an apprentice for a fixed term of years, or owes or did owe service merely as such apprentice for such fixed term, shall be deemed prohibited by this act; and no such declaration, pretense, or representation, that any person is or was such an apprentice for such fixed term, or owes or did owe service merely as such an apprentice for such fixed term, shall be liable to any penalty under this act.

Claim of person as apprentice, &c., not within this act.

Sec. 10. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

Acts repealed.

Approved February 13, 1855.

[No. 163.]

AN ACT to prohibit the use of the common jails and other public buildings in the several counties for the detention of persons claimed as fugitive slaves.

SECTION 1. *The People of the State of Michigan enact, That* section one of chapter one hundred and forty-eight, title twenty-eight of the revised statutes of one thousand eight hundred and forty-six, be amended so as to read as follows:

Sec. 1 chap. 148 R. S. amended.

"Sec. 1. It shall be the duty of the sheriffs of the several counties of this State to receive into their respective jails and keep all prisoners who shall be committed to the same, by virtue of any civil process issued by any court of record instituted under the authority of the United States, until they shall be discharged by the due course of the laws of the United States, in the same manner as if such prisoner had been committed by virtue of process in civil actions issued under the authority of this State; and every such sheriff may receive to his own use such sums of money as shall be payable by the United States for the use of the said jails: *Provided*, That nothing in this or the next succeeding section contained shall be construed to authorize or require any sheriff or other officer to receive into or detain, or permit any person to receive into or detain in any of said jails or other public buildings, any person claimed as a fugitive slave: *And provided fur-*

Duty of sheriffs to take & keep prisoners, &c.

Not to receive person claimed as fugitive slave.

Prohibited from receiving fugitive.

Penalty for disobedience.

Sec. 1 chap. 171 of R. S. amended.

How jails shall be used, &c.

Proviso.

ther, That every sheriff or other officer or keeper of a prison is hereby peremptorily prohibited from receiving or detaining or permitting to be received or detained in any such jails or other public buildings any such fugitive slave as aforesaid; every sheriff or other officer or keeper of a prison who shall offend against the last preceding provision of this section shall be liable to an indictment for a misdemeanor, and upon conviction thereof shall pay a fine of one thousand dollars, and be imprisoned in the county jail one year."

Sec. 2. Section one of chapter one hundred and seventy-one, title thirty-two of the revised statutes of one thousand eight hundred and forty six, be amended so as to read as follows:

"Sec. 1. The common jails in the several counties in the charge of the respective sheriffs, shall be used as prisons:

1. For the detention of persons charged with offences, and duly committed for trial;

2. For the detention of persons who may be duly committed, to secure their attendance as witnesses on the trial of any criminal cause;

3. For the confinement of persons committed pursuant to a sentence upon conviction for an offence, and of all other persons duly committed for any cause authorized by law; and the provisions of this section shall extend to persons detained or committed by the authority of the courts of the United States, as well as the courts and magistrates of this State: *Provided*, That nothing in this section contained shall be construed to require any such sheriff to receive or detain in any such jail any person claimed as a fugitive slave."

Sec. 3. This act shall take effect immediately.

Approved February 13, 1855.

[No. 164.]

AN ACT to amend section fifty-seven of chapter ninety of the revised statutes of 1846.

SECTION 1. *The People of the State of Michigan enact*, That section fifty-seven of chapter ninety of the revised statutes of eighteen hundred and forty-six is hereby amended so as to read as follows: