

secretary of the territory, or under the hand and seal of the recorder of deeds in whose office the originals are recorded, shall be admitted as legal evidence in any suit or suits that shall be brought thereon against the obligors, their heirs, executors and administrators: *Provided always*, That no person shall recover any damage against such notary or his sureties, their heirs, executors or administrators, unless such suit be instituted within three years after the cause of action may have accrued.

The foregoing is hereby declared to be a law for the territory of Louisiana, to take effect from and after the passage thereof.

June 25, 1807.

CHAPTER 35.
FREEDOM.

*AN ACT to enable persons held in slavery, to sue for their freedom.**

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| 1. Persons held in slavery to sue as paupers, when. | may be required to enter into recognizance; petitioner may be hired out when—person |
| 2. Suits, how instituted—counsel assigned petitioner—petitioner not to be removed. | hiring to enter into recognizance. |
| 3. Petitioner about to be removed, defendant | 4. Weight of proof on petitioner—judgment. |
| | 5. Appeal to general court. |

Be it enacted by the Legislature of the Territory of Louisiana, [as follows.]

1. It shall be lawful for any person held in slavery to petition the general court or any court of common pleas, praying that such person may be permitted to sue as a poor person, and stating the grounds on which the claim to freedom is founded. If in the opinion of the court the petition contains sufficient matter to authorize their interference the court shall award the necessary process to bring the cause before them.

2. The court to whom application is thus made, may direct an action of assault and battery, and false imprisonment, to be instituted in the name of the person claiming freedom against the person who claims the petitioner as a slave, to be conducted as suits of the like nature between other persons. And the court shall assign the petitioner counsel, and if they deem it proper shall make an order directing the defendant or defendants to permit the petitioner to have a reasonable liberty of attending his counsel, and the court when occasion may require it, and that the petitioner shall not be taken nor removed out of the jurisdiction of the courts, nor be subjected to any severity because of his or her application for freedom.

3. If the court, or any judge thereof in vacation shall have reason to believe that the above order has been or is about to be violated, in such case the said court, or any judge thereof in vacation, may require that the person of the petitioner be brought before him or them, by writ of *habeas corpus*, and shall cause the defendant or defendants, his, her, or their agent, to enter into recognizance with sufficient security, conditioned as recited in the above order, or in case of refusal to direct the sheriff of the district to take possession of the petitioner, and hire him

*Repealed R. L. 1825, p. 500, sec. 13.

or her to the best advantage, which hire shall be appropriated either to the petitioner, or to the defendant or defendants, as the event of the suit may justify. And the person hiring the petitioner shall enter into recognizance with sufficient security, conditioned as the above order directs.

4. The court before whom such suit may be tried, may instruct the jury that the weight of proof lies on the petitioner, but to have regard not only to the written evidences of the claim to freedom, but to such other proofs either at law or in equity as the very right and justice of the case may require. And the court on a verdict in favor of the petitioner, may pronounce a judgment of liberation from the defendant or defendants, and all persons claiming by, from, or under, him, her, or them.

5. Suits instituted in any court of common pleas under this law, may be removed into the general court before judgment, or if judgment is given in any such cause in the court of common pleas, appeal, or writ of error shall lie to the general court as in other cases.

The foregoing is hereby declared to be a law for the territory of Louisiana, to take effect and be in force from and after the passage thereof.

June 27, 1807.

CHAPTER 36.
HABEAS CORPUS.

CHAP. 127.

*AN ACT regulating the proceeding on writs of Habeas Corpus.**

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| 1. Writs of <i>habeas corpus</i> , application for—by whom awarded—to whom directed—how made—when to be returned—prisoner to be brought before judge—cause of commitment to be certified to judge—prisoner discharged when—case certified to court—return amended. | 8. Refusal to deliver copy of warrant, penalty for. |
| 2. Habeas corpus may be awarded in term time. | 9. Persons set at large not to be imprisoned again—penalty for recommitting persons discharged. |
| 3. Prisoners, when to be bailed—when to be discharged. | 10. Persons not to be removed from one prison to another—penalty for offending against this. |
| 4. Cases to which this act shall not apply. | 11. This act to extend to certain cases not criminal. |
| 5. Persons confined not to be removed out of the district. | 12. Writ directed to private individual how to be served—return—on failure guilty of contempt—and may be attached and committed—and fined. |
| 6. Judge refusing to issue writ, penalty. | 13. Death of parties no bar to actions under this act, if brought within two years. |
| 7. Officers failing to make return, and to bring body, guilty of contempt—and may be committed to jail—and shall forfeit \$500—and be disqualified for office. | 14. Defendant not required to plead specially. |
| | 15. Third section applicable to other cases. |
| | 16. Enforcing clause. |

Be it enacted by the Legislature of the Territory of Louisiana, [as follows.]

1. If any person shall be or stand committed or detained for any criminal or supposed criminal matter, unless for treason or felony, the species whereof is plainly and fully set forth in the warrant of commitment, in vacation time, and

*Repealed R. L. 1825, p. 500, sec. 13.