

CHAPTER XXXIII.

AN ACT

Respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. When a person held to labor in any State or Territory of the United States under the laws thereof, shall escape into this State, the person to whom such labor or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labor, or shall have the right to obtain a warrant of arrest for such fugitive, granted by any Judge, Justice, or Magistrate of this State, and directed to any Sheriff or Constable of this

Process may issue for the arrest of fugitives from labor.

Mode of proceeding.

State, and when seized or arrested, to take him or her before any Judge or Justice of this State, or before any Magistrate of a County, City, or Town corporate, and upon proof to the satisfaction of such Judge or Magistrate, either by oral testimony or affidavit, taken before and certified by any Judge or Magistrate in this State, or of any other State or Territory, that the person so seized or arrested doth, under the laws of the State or Territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such Judge or Magistrate to give a certificate thereof to such claimant, his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labor, to the State or Territory from which he or she fled, and for using such force and restraint as may be necessary, under the circumstances of the case, to take and remove such fugitive person back to the State or Territory whence he or she may have escaped as aforesaid. In no trial or hearing under this Act shall the testimony of such alleged fugitive be admitted in evidence, and the certificate hereinbefore mentioned shall be conclusive of the right of the person or persons in whose favor granted, to remove such fugitive to the State or Territory from which he escaped, and shall prevent all molestation of such person or persons, by any process issued by any Court, Judge, Justice, or Magistrate, or other person whomsoever.

Penalties for obstructing a claimant in the recovery of his property.

SEC. 2. Any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant, his agent or attorney, or any person or persons lawfully assisting him, her, or them, from arresting such fugitive from service or labor, either with or without process as aforesaid, or shall rescue or attempt to rescue such fugitive from the custody of such claimant, his or her agent or attorney, or other person or persons lawfully assisting as aforesaid, when so arrested pursuant to the authority herein given and declared, or shall aid, abet, or assist such fugitive, directly or indirectly to escape from such claimant, his agent or attorney, or other person or persons legally authorized as aforesaid, or shall harbor or conceal such fugitive so as to prevent the discovery and arrest of such fugitive, shall for either of said offences, be subject to a fine of not less than five hundred dollars, and imprisonment not less than two months, by indictment and conviction before any Court of Sessions of this State, or before any Court having criminal jurisdiction within this State, and shall moreover forfeit and pay by way of civil damages to the claimant of said fugitive, the sum of one thousand dollars, for each and either of said offences, to be recovered by action in any District Court of this State.

Duties of officers and penalties for neglect of duty.

SEC. 3. It shall be the duty of all Sheriffs, Deputy Sheriffs, and Constables to obey and execute all warrants and precepts issued under the provisions of this Act, when to them directed, and should any Sheriff, Deputy Sheriff, or Constable refuse to receive such warrant or other process when tendered, or to use all proper means, diligently to execute the same, he shall on conviction thereof, by indictment, be fined in the sum of not less than five hundred dollars and not more than two thousand dollars, to the use of the County in which conviction is had, and removed from office, and shall be liable

to the claimant in such damages as the claimant shall sustain by reason of said misconduct, and after the arrest of such fugitive by such Sheriff, or his Deputy, or Constable, or whilst at any time within his custody, should such fugitive escape by the assent, neglect, or contrivance of such officer, such officer shall be liable, on his official bond to such claimant, for the full value of said fugitive in the State or Territory from whence he or she came.

SEC. 4. Any person or persons held to labor or service in any State or Territory of the United States, by the Laws of such State or Territory, and who were brought or introduced within the limits of this State previous to the admission of this State as one of the United States of America, and who shall refuse to return to the State or Territory where he, she, or they owed such labor or service, upon the demand of the person or persons, his or their agent, or attorney, to whom such labor or service was due, such person or persons so refusing to return, shall be held and deemed fugitives from labor within the meaning of this Act, and all the remedies, rights, and provisions herein given to claimants of fugitives who escape from any other State into this State, are hereby given and conferred upon claimants of fugitives from labor within the meaning of this section; *Provided*, the provisions of this section shall not have force and effect after the period of twelve months from the passage of this Act.

Who shall be deemed fugitives, and limits of this Act.

SEC. 5. Nothing contained in this Act shall be so construed as to allow the claimant of any slave to hold such slave in servitude in this State after his reclamation under the provisions of this Act, except for the purpose of removing such slave from the State.

Claimants not allowed to hold slaves in servitude in this State.

APPROVED, April 15, 1852.