

[Cover page contents] Submitted by Rep. Lee Person, Edgecombe County.

Senate Bill 213: A Bill to be Entitled an Act To Suppress Lynchings and to recover Damages therefore”

Passed 1st Reading and Referred to Committee on Judiciary, January 26, 1897
The Judiciary Committee recommend that this bill do not pass February 18, 1897

Tabled. March 9, 1897

[pg1] A Bill “To be entitled an act”

To amend Chapter 461. Public Laws one thousand eight hundred and ninety three

The General Assembly of North Carolina do enact:

Sec. One: that any collection of individual, assembled for any unlawful purpose, intending to do damage or injury to anyone or pretending to exercise correctional power over other persons by violence, and without authority of law. Shall for the purpose of this act be regarded as a “mob,” and any act of violence exercised by them upon the body of any person, Shall constitute a “lynching.”

Sec. Second: The term “Serious injury,” for the purposes of this act, shall include any such injury as shall permanently or temporarily disable the person receiving it from earning a livelyhood [sic] by manual labor.

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Sec. Third: Any person who shall be taken from the hands of the officers of Justice in any county by a mob, and shall be assaulted by the same with whips, clubs, missiles, or in any other manner, Shall be entitled to recover from the county in which Such assault Such assault [sic] be made. The sum of one thousand dollars as damages, by action as hereinafter provided.

Sec. Fourth: Any person assaulted by a mob and suffering lynching at their [sic] hands, Shall be entitled to recover of the comity in which Such assault is made, The Sum of Fiver hundred dollars; or if the injury received is serious, the Sum of one thousand dollars; or if it result in permanent disability to earn a livelyhood [sic] by Manual labor, the sum of Five Thousand dollars.\

Sec. Five: The legal representative of any person suffering death by lynching at the hands of a mob, in any county of this State, Shall be entitled to recover of the county in which such lynching may [pg 3] occur, the Sum of Five Thousand dollars; damages for such unlawful killing, Said recovery Shall be applied first to the maintenance of the family of the person so maimed, disabled or murdered, if any be left surviving him until [sic] Such Minor Children shall become of legal age. And then be distributed, Among the survivors Share and Share alike. The widow Shall receive only a childs [sic] share if there be no widow or Minor children left, Surviving such decedent[,] the said damages

recovered shall be equally distributed among the next of kin according to the laws of this state for the distribution of the personality [sic] of an intestate. Said recovery Shall not be regarded as any part of the estate of the person lynched nor be subject in law to any of his liabilities[.] Any person or persons Suffering death or personal injury at the hands of a mob, engaged in an attempt to lynch another person shall be deemed within the provisions of this act; and he or she or their legal representatives Shall have the same right of action thereunder as anyone [pg4] purposely injured, maimed, or killed by such mob.

Sec. Six: Actions for the recoveries provided for in this act may be begun in any Court; having original Jurisdiction of an action for damages for malicious assault within two years of the time of such lynching.

Sec. Seven: An order to the Commissioners of any county against which such recovery may be made to include the same with costs of action in the succeeding tax levy for said county shall form a part of the Judgment in each and every case such case [sic].

Sec. Eight: Any person or persons entitled to share in any such recovery under this act, who shall consent to a release or compromise of any part of such claim in consideration of the payment of any sum less than the full amount allowed to be recovered in this act, shall be liable to indictment for a misdemeanor punished by a fine of not more [pg 5] than Five hundred dollars and imprisonment for not more than one year, or both at the discretion of the court.

Sec. Nine: In case the decedent has left minor children him surviving the amount recovered in any action for damages Shall be turned over to a regularly appointed guardian who shall apply the same, under the Judge of probate allowing not more than Two hundred and Fifty dollars for council fees, in the action for such recover.

Sec. Ten: The County in which any lynching, or maiming, of any person or persons Shall occur Shall have a right of action to recover the amount of any Judgment rendered against it in favor of the legal representatives of any person white caped [sic], maimed or killed by a mob, including costs against any of the parties composing such mob. [pg 6] Any person present at such white caping [sic], maiming or lynching Shall be deemed a member of the mob, and shall be liable in such action.

Sec. Eleven: In case a mob shall carry a prisoner into another county or shall come from another county to commit violence on a prisoner or other person or persons brought from such county, for safe Keeping the county in which the lynching was committed [sic] May recover the amount of the Judgment and costs against the county from which the mob came, unless there was contributory negligence on the part of the officials [sic] of said county; in failing to protect the prisoner or prisoners, or dispersing said mob. Allactions for damages of one county against another shall have priority over any and all other actions in any district court where original jurisdiction is given in causes for damages.

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Sec. Twelve: Nothing in this act shall be held to relieve any person present or concerned in such white caping [sic], maiming, or lynching, from prosecution; for assault or homicide in case of death; of the person lynched for engaging therein.

Sec. Thirteen: Any person or persons recovering positive information of any person connected with any maiming, white-caping, or lynching, and shall fail to disclose the same to the solicitor of the district in which said crime is committed shall be deemed guilty of a misdemeanor and shall be punished at the discretion of the court as in other misdemeanors.

Sec. Fourteen: This Act shall be in force from and after the time of its passage.