

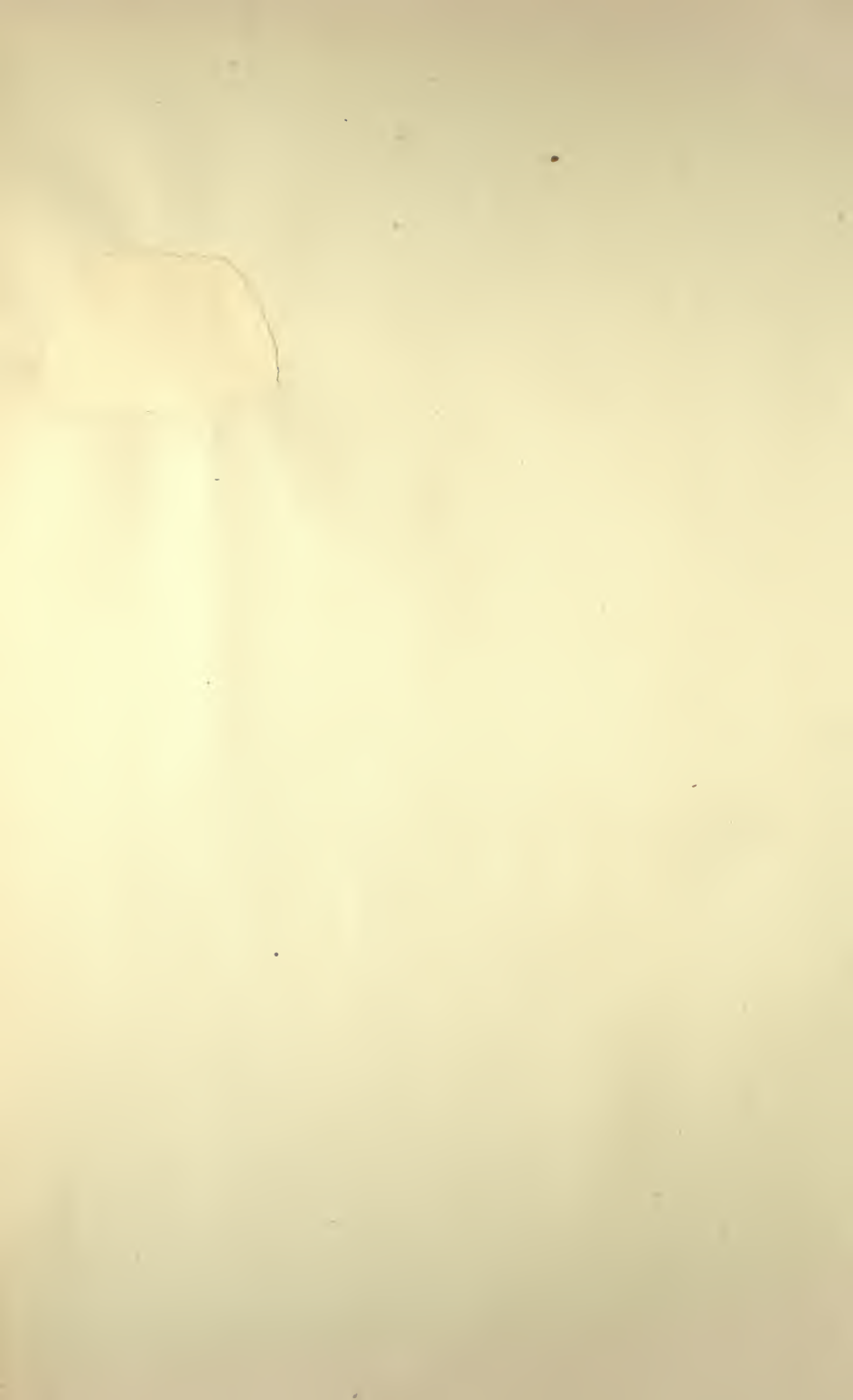
UC-NRLF



QB 725 657









L A W S

PASSED IN THE

TERRITORY

OF THE

UNITED STATES

NORTH-WEST

OF THE

RIVER OHIO,

FROM THE

COMMENCEMENT OF THE GOVERNMENT

TO THE

31st. OF DECEMBER, 1791.

Published by Authority

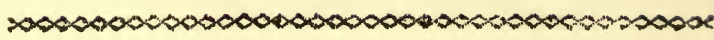
PHILADELPHIA
PRINTED BY FRANCIS CHILDS AND JOHN SWALNE,

M, DCC, XCI,

LIBV. OF
CALIFORNIA

main library

F476
.N7
1791a

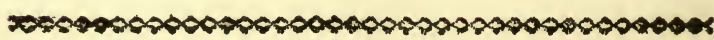


(L. S.)

A COPY of Laws passed in the Territory of the United States North-West of the River Ohio, from July to December, 1792, inclusive.

WINTHROP SARGENT.

The PRESIDENT of *the* United States.



no. 1111
LIBRARY

COPIES of the Laws which have been adopted and published in the Territory of the United States north-west of the River Ohio, from the commencement of Government to the 31st day of December, inclusive—made out from the original Records in the Secretary's Office, and to be transmitted to the Secretary of Congress, agreeably to the Ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven.

CHAPTER I.

A LAW for regulating and establishing the MILITIA in the Territory of the United States north-west of the river Ohio, published at the city of Marietta upon the twenty fifth day of July, in the thirteenth year of the Independence of the United States, and of our Lord one thousand seven hundred and eighty eight, by his Excellency Arthur St. Clair, Esquire, Governour and Commander in Chief, and by the Honourable Samuel Holden Parsons and James Mitchell Varnum, Esquires, Judges.

ALL male inhabitants between the age of sixteen and fifty, shall be liable to and perform military duty, and be formed into corps in the following manner.

All male inhabitants,
&c. liable to militia duty;

Sixty four rank and file shall form a company. Eight companies shall form a battalion. Two battalions shall form a regiment.

now to be organized;

There shall be appointed to each company, one captain, one lieutenant, one ensign, four serjeants, four corporals, one drummer and one fifer. To a battalion there shall be appointed, one lieutenant colonel, one major, and one adjutant. To a regiment one colonel.

The corps shall be divided into senior and junior classes.

to be classed;

And whereas in the infant state of a country, defence and protection are absolutely essential,

B

all male inhabitants of the age of sixteen and upwards, shall be armed, equipped and accoutred in the following manner ;

how to be
accoutred,

With a musket and bayonet, or rifle, cartridge box and pouch, or powder horn and bullet pouch, with forty rounds of cartridges, or one pound of powder and four pounds of lead, priming wire and brush and six flints.

and when
to assemble;

And whereas for securing the principles of defence and protection, it is necessary to be assembled upon certain times, and at certain places, for examining and inspecting the arms and accoutrements, and for disciplining the men in a soldierly manner : And whereas the assembling of the members of community at fixed periods, conduces to health, civilization, and morality ; and such assembling without arms in a newly settled country, may be attended with danger ; Therefore the corps shall be paraded at ten o'clock in the morning of each first day of the week, armed, equipped, and accoutred as aforesaid, in convenient places next adjacent to the place or places already assigned, or to be assigned for public worship : at other times and places, the corps shall be paraded for muster, exercise, and review as the commander in chief may direct. And whereas in the present state of the territory it is necessary that guards be established ; the commander in chief, and the commanding officers of counties, and of smaller districts shall make such detachments for guards and other military duty as the public exigencies may in his, or their opinion require.

how to be
classified ;

Those who have born commissions, civil or military, in the service of the United States, or either of them, and who have been honorably discharged therefrom, and all such as have

been graduated in colleges or universities, shall how to be
 compose the senior class. Males above the age classified ;
 of fifty shall be liable to military duty in cases
 of actual invasion only, and then at the direc-
 tion of the commander in chief. Officers of exemptions.
 civil government appointed by Congress or
 commissioned by the Governour are exempted
 from the duties aforesaid.

If any male inhabitant shall neglect or refuse Fine for ne-
 to appear at the fixed times and places of pa- glecting the
 rade by this law established, he shall be fined duty en-
 in the sum of twenty five cents, unless he shall joined by
 render an excuse to the satisfaction of the com- this act.
 manding officer of his corps. If any male as
 aforesaid shall neglect or refuse to appear at such
 time and place as the commander in chief shall
 specially direct, for muster, review, and exer-
 cise, he shall be fined in the sum of fifty cents,
 unless excused as aforesaid.

If any male as aforesaid shall neglect or re-
 fuse to appear upon the order of the comman-
 der in chief, or other officers as aforesaid, for
 guards or other ordinary military duty, or refuse
 to perform the same, he shall be fined in the sum
 of one hundred cents—which offences shall be Fines how
 heard and determined by the officers of the to be deter-
 company to which the offender may belong, mined and
 and upon conviction, a warrant of distress shall collected.
 issue from the commander of such company, di-
 rected to either of the serjeants of the same,
 requiring him to collect the fines aforesaid, and
 pay the same into the treasury of the town, ci-
 ty or county wherein the conviction shall have
 taken place, within twenty days next after iss-
 uing such warrant. For the second, and all suc-
 ceeding offences in the cases before mentioned,
 the persons charged with having committed the
 same, shall be heard, tried and sentenced by
 courts-martial.

On neglect of duty in case of invasion, &c. If any male inhabitant as aforesaid, shall neglect or refuse to appear and perform his duty under the orders of the commander in chief, against an enemy invading the territory, or shall refuse, disobey or neglect the orders given by his officers, or any of them, in time of action, he shall be deemed guilty of cowardice and desertion, and be heard, tried, and sentenced by a court-martial.

Duty of officers ; All officers shall be attentive to the forming, disciplining, parading, and commanding their respective corps, and to such other duties as shall respectively bind them by this law, and by the orders from time to time to be given by the commander in chief.

how to be tried on neglect thereof. If any officer shall be guilty of a breach of this law, or in any respect violate, or neglect his duty, he shall be heard, tried, and sentenced by a court-martial.

Court-martial how constituted ; A court-martial shall consist of not more than thirteen members, nor less than five, whereof one at least shall have rank superior to that of a captain.

by whom appointed & sentences approved. A court-martial shall be appointed by the commander in chief, or the commanding officers of a regiment or battalion ; but the commander in chief only shall have the power of approving and carrying into effect sentences of courts-martial, whereby the punishment shall be capital, or an officer cashiered.

AR. ST. CLAIR.
SAML. H. PARSONS.
I. M. VARNUM.

CHAPTER II.

A LAW for establishing General Courts of Quarter Sessions of the Peace (and therein of the powers of single Justices), and for establishing County Courts of Common Pleas, (and therein of the power of single Judges to hear and determine upon small debts and contracts), and also a Law for establishing the Office of Sheriff, and for the appointment of Sheriffs. Published at the city of Marietta, in the county of Washington and Territory of the United States north-west of the river Ohio, by his Excellency Arthur St. Clair, Esquire, Governour and Commander in Chief, and Samuel Holden Parsons and James Mitchell Varnum, Esquires, Judges, upon the twenty third day of August, in the thirteenth year of the Independence of the United States, and in the year of our Lord one thousand seven hundred and eighty eight.

THERE shall be a court in each county styled the General Quarter Sessions of the Peace, holden and kept four times in every year in each county. County Courts of Gen. Qr. sessions,

That for the county of Washington shall be holden and kept at the city of Marietta, upon the second Tuesdays of March, June, September, and December. And there shall be a competent number of justices of the peace in every of the counties, appointed and commissioned by the governour under the seal of the territory, which justices, or any three of them, one at least being of the quorum, shall and may hold the general sessions of the peace according to law. where and when to be holden.

Not less than three, nor more than five of the said justices, in each county, shall be specially named in a general commission for holding the said courts of quarter sessions of the peace. Number of justices to hold qr. sessions.

The justices, or any three of them, one being of the quorum as aforesaid, may hold special sessions when, and as often as occasion may require. Special sessions;

And the said justices, and each and every of them, shall have power and authority in and their power.

Power of the justices. out of sessions, to take all manner of recognizances, with or without surety, for good behaviour, to keep the peace, or for appearance at a superior judicatory, whether to the quarter sessions, if out of the time of sessions, or to the general court of the territory, as the case may be, to answer to charges exhibited, or crimes committed in the view of such justices, or any of them, and whereof they have not competent power to hear and determine. And in case any person or persons shall refuse to enter into recognizance as aforesaid, and to find surety when thereunto required, it shall and may be lawful for such justice or justices, in or out of sessions as aforesaid, to commit the person or persons so refusing to gaol, there to remain until he or they shall comply with the order of such justice or justices.

Recognizances how to be certified;

All recognizances for the peace, good behaviour, or appearance at the sessions, which shall be taken by any of the justices out of sessions, shall be certified into their said general sessions of the peace, to be holden next after the taking thereof; and every recognizance taken in or out of sessions for suspicion of any manner of crime not tryable in said court of quarter sessions of the peace, shall be certified before the general court of the territory at their next succeeding term, or before a court of oyer and terminer and gaol delivery for the county, to be holden next after the taking thereof, without concealing, detaining, or embezzling the same. And in case any person or persons shall forfeit his or their recognizances of the peace, good behaviour, or appearance, the recognizances so forfeited, with the record of default, or cause of forfeiture, shall be sent and certified without delay, by the justice or justices of the peace, into the quarter sessions, if taken

proceedings on forfeiture of recognizances, &c.

out of the sessions and returnable to the same, or into the general court of the territory, as the case may be, whether taken in or out of sessions ; that in either case process may issue according to law. All which forfeitures shall be levied by the proper officers, and paid to the clerks of the respective courts, to be paid by them into the public treasuries ; that is to say, by the clerk of the quarter sessions, into the treasury of the county, and by the clerk of the general court into the general treasury of the territory.

proceedings on forfeiture of recognisance.

Forfeitures how levied and paid.

One or more justices of the peace shall and may, out of sessions, hear and determine according to the course of the common law, petit crimes and misdemeanours, wherein the punishment shall be by fine only, and not exceeding three dollars, and to assess and tax costs. And in case any person or persons shall refuse to obey, fulfil, and perform the sentence or sentences given against him or them by the justice or justices herein, it shall and may be lawful for such justice or justices to commit the delinquent or delinquents to gaol, there to remain until sentence be performed. And it shall be lawful for such justice or justices whenever the crime shall be committed in his or their presence or view, to sentence as aforesaid, without further examination : and which fines shall be by such justice or justices paid to the clerk of the court of quarter sessions, and by him paid into the county treasury. All warrants issued by a justice or justices out of sessions either for apprehending, securing or committing to gaol, persons suspected, or convicted of crimes shall be under the hand and seal of such justice or justices, and directed to an officer or officers, whose duty it shall be to exe-

Justices out of sessions may hear & determine petit crimes &c.

their power on refusal to fulfil their determinations herein, &c.

Fines to be paid to the clerk of the court, &c.

Warrants issued out of sessions how to be attested.

cute criminal process ; and such officer or officers shall obey the warrant or warrants issued as aforesaid.

Power of
the courts
of quarter
sessions:

The courts of general quarter sessions of the peace shall and may hear, determine and sentence, according to the course of the common law, all crimes and misdemeanours, of whatever nature or kind, committed within their respective counties the punishment whereof doth not extend to life, limb, imprisonment for more than one year, or forfeiture of goods and chattels, or lands and tenements to the government of the territory.

And that persons indicted or outlawed in one county, who dwell, remove, or are received into another county may be brought to justice, the said courts of general quarter sessions of the peace, shall and may direct their writs or precepts under the seal of the courts, and signed by the clerks respectively, to all or any of the sheriffs, or other officers empowered by law to execute criminal process in each or any of the counties within the territory as the case may be, requiring to take and bring before said court, such persons indicted or outlawed as aforesaid. And the said court of quarter sessions shall and may issue subpœnas, and other warrants, under the seal of the court, and signed by the clerk, into any county or place in the territory, for summoning or bringing any person to give evidence in and upon any matter or cause, examinable or tryable before such court, under such pains and penalties as subpœnas or warrants of that kind, are by law granted and awarded. And a justice or justices out of sessions, may in like manner, and under similar penalties, grant subpœnas, and other warrants, to any place or places within their respective counties.

County Courts of Common Pleas.

A number of suitable persons, not exceeding five, nor less than three shall be appointed in each county, and commissioned by the governor under the seal of the territory, to hold and keep a court of record, to be styled, the County Court of Common Pleas : which courts shall be holden at two fixed periods in every year, and in each county respectively, at the places where the general courts of quarter sessions of the peace, shall be kept. That for the county of Washington shall be holden upon the third Tuesdays of March, and first Tuesdays of September.

County courts of common pleas, how constituted; when holden;

The judges so appointed and commissioned, or a majority of them shall hold pleas of assizes, scire facias, replevins, and hear and determine all manner of pleas, actions, suits, and causes of a civil nature, real, personal and mixed, according to the constitution and laws of the territory.

the power.

The said court shall and are hereby empowered to grant under their seal, and signed by their clerk, replevins, writs of partition, writs of view, and all other writs and process upon pleas and actions cognizable therein, as the case may require.

The court shall and may issue subpoenas under their seal, and signed by their clerk for the same purposes, in the manner, and under similar penalties, as the courts of general quarter sessions of the peace are empowered to issue the same. And for the more speedy recovery of small debts and demands contracted within the territory; it shall and may be lawful for one or more of the judges of the court of common pleas, in their respective counties, to hear and determine, all debts and demands, contrac-

Power of the county court. of ted as aforefaid, whether upon bond, bill, note, book account, or affumpfit in fact or law, wherein the fum demanded fhall not exceed five dollars. And fuch judge or judges fhall iffue execution under his or their hands and feals directed to the fheriff, or other proper officer, for executing the judgment fo given; returnable in thirty days from the teft thereof.

Sheriffs.

Sheriffs in each county to take oath and give bond. There fhall be appointed and commiffioned by the governour, in each county of the territory, a fheriff, who fhall take the oaths of allegiance to the United States, and of office, and fhall give bond with two fufficient fureties, in the penal fum of four thousand dollars, for the faithful difcharge of the duties of his office.

their duties. The duties of each fheriff fhall be, to keep the peace, by caufing all offenders againft law, in his view, to enter into recognifances, with fureties, for keeping the peace and appearing at the next general quarter feffions in the fame county, and to commit in cafe of refusal; and which recognifances fhall by the faid fheriff be returned, and certified before the faid quarter feffions. It fhall alfo be his duty to quell and fuppreff all affrays, routs, riots, and infurrections; and for which end he fhall, and is hereby empowered, to call to his aid the power of the county. He fhall purfue, apprehend and commit to gaol, all felons and traitors; he fhall execute all warrants, writs and other procefs, which by law fhall appertain to the duties of his office, and which fhall be directed to him by legal authority. He fhall duly attend upon all courts of record, at their refpective terms or feffions, in his county.

AR. ST. CLAIR,
SAML. H. PARSONS,
JAMES M. VARNUM.

CHAPTER III.

A LAW establishing a Court of Probate, published in the Territory of the United States north-west of the river Ohio, by his Excellency Arthur St. Clair, Esquire, Governour, and the Honourable Samuel Holden Parsons, James Mitchell Varnum, and John Cleves Symmes, Esquires, Judges, at the city of Marietta, the thirtieth day of August, in the thirteenth year of the Independence of the United States, Anno Domini one thousand seven hundred and eighty eight.

THERE shall be appointed one judge of probate in each county, whose duty it shall be to take the proof of last wills and testaments and to grant letters testamentary and letters of administration and to do and perform every matter and thing that doth, or by law may appertain to the probate office, excepting the rendering definitive sentence and final decrees.

Judges of probate in each county their duty ;

The judge shall hold four sessions in each and every year, and may adjourn from time to time, or appoint a special sessions, and at such place in the county as he may deem expedient, whenever the circumstances of the people may require it. The sessions for the county of Washington shall be holden at the city of Marietta upon the first Monday of January, April, August, and October annually. In all cases wherein it shall be necessary to render a definitive sentence, or to render a final decree, and upon a point contested, the judge shall call, to his assistance, two of the justices of the court of common pleas of the same county ; who, together with the judge shall constitute the court of probate ; a majority of whom shall have power to render final sentences and decrees in all matters cognizable before said court ; Provided however, that from every definitive sentence, and from every final decree, rendered by the court, there may be an appeal to the gene-

to hold four sessions in each year, &c.

where to be holden.

Sentences how rendered.

ral court of the territory, the appellant giving bond with two sufficient sureties, to prosecute his appeal with effect, which appeal shall be entered upon the second day of the term of the court appealed to, and next holden for the county in which the appeal was taken.

Judge to take oath;

The judge, previously to his entering upon the duties of his office, shall be sworn, before the governour, to a true and faithful discharge thereof.

to record last wills, &c.

The judge shall record last wills and testaments, and make entries of the granting of letters testamentary, and letters of administration; he shall receive, put on file, and carefully preserve all bonds, inventories, accounts, and other documents, necessary to be perpetuated in his office.

Bonds to whom to be made.

All bonds that by this law are, or by law shall be directed to be given in the court of probate, or probate office, shall be made to the judge, and shall be in trust, to and for the use of all persons concerned, or having interest therein: And the benefit thereof, shall be extended from time to time, to and for the relief of the party injured.

Judges to deliver certified copy of bond on application.

The judge shall deliver a certified copy of any bond taken by him as aforesaid, to any person interested, and requesting the same, and he shall also produce the original bond in court, upon any trial that shall be had for the breach of the conditions thereof, whenever required by such court, and upon refusal, or delay herein, the judge shall forfeit and pay to the party injured treble damages. And there shall be appointed a clerk of said court of probate who shall be sworn to a faithful discharge of the duties of his office, before he enters into the execution thereof; and the clerk shall record all

sentences and decrees of the court of probate, and make entries and records of all matters proper to be entered and recorded in his office

AR. ST. CLAIR.

SAML. H. PARSONS.

J. M. VARNUM.

JOHN CLEVES SYMMES.

CHAPTER IV.

A LAW for fixing the Terms of the General Court of the Territory of the United States north-west of the river Ohio, published by his Excellency Arthur St. Clair, Esqr. Governour, and Samuel Holden Parsons, James Mitchell Varnum, and John Cleves Symmes, Esquires, Judges, at the city of Marietta, the thirtieth day of August, in the thirteenth year of the Independence of the United States, and of our Lord one thousand seven hundred and eighty eight.

THE general court for the territory of the United States northwest of the river Ohio, shall hold pleas, civil and criminal, at four certain periods or terms in each and every year in such counties as the judges shall from time to time deem most conducive to the general good, they giving timely notice of the place of their sitting; that is to say, Upon the first Monday of February, May, October and December. Provided however, That but one term be holden in any one county in a year; and that all process, civil and criminal, shall be returnable to said court wheresoever they may be in said territory. And as circumstances may so intervene as to prevent a sessions of the court at the time and place fixed upon, it shall and may be lawful for the court, to adjourn from time to time, by writ directed to the sheriff of the county; and to continue all process accordingly: And in case neither of the judges shall attend at the time

Gen. court
to hold
pleas civil
and criminal,
&c.

When the
court may
adjourn, &c.

and place aforesaid, and no writ be received by the sheriff, it shall be his duty to adjourn the court from day to day, during the first six days of the term ; and then to the next term ; to which all processess shall be continued as aforesaid. Provided however, That all issues in fact shall be tried in the county where the cause of action shall have arisen.

AR. ST. CLAIR.
SAML. H. PARSONS.
J. M. VARNUM.
JOHN CLEVES SYMMES.

CHAPTER V.

A LAW respecting Oaths of Office, published by his Excellency Arthur St. Clair, Esquire, Governour of the Territory of the United States north-west of the river Ohio, and by the Honourable Samuel Holden Parsons, and James Mitchell Varnum, Esquires, Judges, at the city of Marietta, in the Territory aforesaid, upon the second day of September, in the thirteenth year of the Independence of the said United States, and of our Lord one thousand seven hundred and eighty eight.

Every person appointed to civil offices to take oath,

or

EVERY person appointed to any civil office in the territory, and commissioned by the governour, shall previously to his entering upon the exercise of his office, take the following oath, viz. I, A B, being appointed to the office of _____ do solemnly swear, that I will well and truly execute the duties of my said office, according to the best of my skill and understanding, without fraud or partiality. So help me God.

Any person appointed as aforesaid, conscientiously scrupulous of taking an oath, shall make the following affirmation, previously to entering upon the duties of his office, viz. I, A B, being appointed to the office of _____

do solemnly, sincerely and truly declare and affirm, that I will well and truly execute the duties of my said office, according to the best of my skill and understanding, without fraud or partiality : And this I declare and affirm under the pains and penalties of perjury.

And that all oaths of office, or declarations and affirmations prescribed as aforesaid, shall be taken before the governour, or such person or persons as shall by him be appointed and commissioned for that purpose, and certified upon the commission of the person taking the same. And in case of the absence of the governour, the said oath, or declaration and affirmation may be taken before, and certified by either of the judges of the territory.

AR. ST. CLAIR.

SAML. H. PARSONS.

JAMES M. VARNUM.

CHAPTER VI.

A LAW respecting Crimes and Punishments, published by his Excellency Arthur St. Clair, Esquire, Governour, and the Honourable Samuel Holden Parsons, and James Mitchell Varnum, Esquires, Judges of the Territory of the United States north-west of the river Ohio, at the city of Marietta, the sixth day of September, in the thirteenth year of the Independence of the United States, and of our Lord one thousand seven hundred and eighty eight.

Treason.

IF any person belonging to, residing in, or protected by the laws of this territory, shall levy war against the United States, or against this territory, or shall knowingly and wilfully aid or assist any enemies at war against the United States, or this territory, by joining the ar-

What offences shall

be deemed **mies or fleets of such enemies, or by inlisting, persuading or procuring others to join said fleets or armies, or by furnishing such enemies with arms, or ammunition, or provisions, or any other articles for their aid or comfort, or by carrying on a treasonable and treacherous correspondence with them, or shall form, or be treasonable. any way concerned in forming any combination, plot or conspiracy for betraying the United States, or this territory into the hands or power of any foreign enemy, or shall give or attempt to give or send any intelligence to any such enemy for said purpose, the person or persons so offending shall be deemed guilty of treason and upon conviction thereof shall suffer the pains of death, and shall moreover forfeit all his, her or their estate, real and personal, to this territory.**

Murder.

Murder. If any person or persons shall with malice aforethought, kill or slay another person. he, she, or they so offending, shall be deemed guilty of murder, and upon conviction thereof shall suffer the pains of death.

Manlaughter.

Manlaughter. If any person or persons shall wilfully kill or slay another person without malice aforethought, he, she, or they so offending shall be deemed guilty of manslaughter, and upon conviction thereof, shall be punished as at the common law hath heretofore been used and accustomed. Provided nevertheless, That if any person in the just and necessary defence of his own life, or the life of any other person, shall kill or slay another person attempting to rob or murder in the field or highway, or to break into a dwelling house, if he cannot with safety to himself otherwise take the felon or assailant,

or bring him to justice, he shall be holden guiltless.

Arson.

If any person or persons shall wilfully and maliciously burn or cause to be burnt, or shall be wilfully and maliciously aiding and assisting in burning any dwelling-house or other building thereunto adjoining, he, she, or they so offending shall be deemed guilty of arson, and upon conviction thereof, shall be whipped, not exceeding thirty-nine stripes, put in the pillory and there be continued not exceeding the space of two hours, confined in gaol not exceeding the space of three years, and forfeit all his, her or their estate, real and personal, to this territory; out of which estate, if sufficient, shall be paid to the party injured his full damages. And in case death should ensue from such burning, the offender or offenders upon conviction thereof, shall suffer the pains of death.

Arson, what crimes deemed,

how punished.

Burglary.

If any person or persons shall in the night season break open and enter any dwelling-house, shop, store or vessel in which any person or persons dwell, or reside, with a view and intention of stealing and purloining therefrom, he, she or they so offending shall be deemed guilty of burglary, and upon conviction thereof, shall be whipped, not exceeding thirty-nine stripes, and find sureties for good behaviour for a term not exceeding three years, and upon default of sureties, shall be committed to gaol for a term not exceeding three years, or until sentence be performed.

Burglary, what crimes deemed,

how punished;

If the person or persons so breaking and entering any dwelling-house, shop, store or vessel as aforesaid, shall actually steal and purloin therefrom, he, she or they so offending, upon conviction thereof, shall moreover be fined in

and fined.

treble the value of the articles stolen; one third of such fine to be to the territory, and the other two thirds to the party injured.

Forfeiture
on persons
breaking
houses, &c.

If the person or persons so breaking and entering any dwelling-house, shop, store or vessel as aforesaid, shall commit, or attempt to commit any personal abuse, force, or violence, or shall be so armed with any dangerous weapon or weapons as clearly to indicate a violent intention, he, she or they so offending, upon conviction thereof, shall moreover forfeit all his, her or their estate, real and personal, to this territory, out of which the party injured shall be recompenced as aforesaid, and the offender shall also be committed to any gaol in the territory for a term not exceeding forty years.

What cases
deemed
wilful murder.

And if the death of any innocent person should ensue from the breaking and entering any dwelling-house, shop, store or vessel as aforesaid, in any of the instances aforesaid, the person or persons so breaking and entering shall be deemed guilty of wilful murder. And all persons aiding and assisting in breaking and entering any dwelling-house, shop, store or vessel as aforesaid, or in any of the crimes consequent thereupon, as before pointed out, shall be deemed principals.

Robbery.

What
crimes
deemed
robbery,
and how
punished.

If any person or persons shall unlawfully and forceably take from the person of another in the field or highway, any money, goods or chattels, he, she or they so offending shall be deemed guilty of robbery, and upon conviction thereof, shall suffer as in the first instance of burglary.

Whoever shall commit such robbery with personal abuse or violence, or be armed at the time with any dangerous weapon or weapons so as clearly to indicate an intention of violence, he, she or they so offending, upon conviction

thereof, shall moreover suffer as in the second instance of burglary. And in case any person or persons robbing or attempting to rob, as afore said, shall kill or slay any person or persons defending him, her or themselves, or others, or his, her or their property against such robber or robbers, or person or persons attempting to rob, or in pursuing and endeavouring to apprehend and secure such person or persons so robbing or attempting to rob, he, she or they so offending shall be deemed guilty of wilful murder. And all aiders and abettors in any robbery as afore said, and in any of the crimes consequent thereupon, as before pointed out, shall be deemed principals.

Robbery
how
punished.

AR. ST. CLAIR,
SAML. H. PARSONS,
JAMES M. VARNUM.

Riots and unlawful Assemblies.

If three or more persons shall assemble together with intention to do any unlawful act, with force and violence, against the person or property of another, or to do any other unlawful act, against the peace and to the terror of the people; or being lawfully assembled, shall agree with each other to do any unlawful act as afore said, and shall make any movement or preparation therefor, the persons so offending, and upon conviction thereof shall pay, as a fine, each, to this territory, the sum of sixteen dollars, and find surety for their good behaviour respectively for the space of six months, and stand committed till sentence be performed.

Fines on
unlawful
assemblies,
&c.

Whenever three or more persons shall be assembled as afore said, and proceeding to commit any of the offences afore said, it shall be the duty of all judges, justices of the peace and sheriffs, and all ministerial officers, immediately upon actual view, or as soon as may be upon

Judges du
ty herein.

Judges du-
ty on un-
lawful as-
semblies,
&c.

information, to make proclamation in the hearing of such offenders, if silence can be obtained, commanding them in the name of the United States, to disperse, and depart to their several homes, or lawful employments: And if upon such proclamation, or when silence cannot be obtained, such persons so assembled shall not disperse, and depart as aforesaid, it shall then be the duty of such judges, justices of the peace and sheriffs, and other ministerial officers, respectively, to call upon all persons near, and of abilities, and throughout the county, if necessary, to be aiding and assisting in dispersing and taking into custody all persons assembled as aforesaid: And all military officers and others called upon as aforesaid are hereby ordered and directed to render instant and full obedience in this behalf, upon the penalty of ten dollars each for every neglect or refusal herein, and commitment in case of non-payment. If any of the persons so unlawfully assembled shall be killed, maimed or otherwise injured, in consequence of resisting the judges, or others in dispersing and apprehending, or in attempting to disperse and apprehend them, the said judges, justices of the peace, and sheriffs, and other ministerial officers, and others acting by their authority, or the authority of any of them, shall be holden guiltless.

Fine on ob-
structing
authority,
&c.

If any person or persons shall forceably obstruct any of the authority aforesaid, or if any three or more persons, shall continue together after proclamation as aforesaid made, or attempted to be made, and prevented by such rioters; or in case of no proclamation, any three or more persons, being assembled as aforesaid, shall commit any unlawful act as aforesaid, every offender, upon conviction thereof, shall be fined in a sum, not exceeding three hundred dollars, and be whipped, not exceed-

ing thirty-nine stripes, and find surety for good behaviour for a time not more than one year, at the discretion of the court before whom the conviction may be had. And upon a second conviction, each and every offender shall be whipped and fined as aforesaid, and find surety for good behaviour and the peace for a time not exceeding ten years, and may be committed to any gaol in the territory till sentence be fully performed.

Persons committing unlawful acts, how punished.

Perjury.

If any person lawfully called upon to give evidence before any court of record, or other authority in this territory, qualified to administer oaths and solemn declarations and affirmations, shall wilfully depose, affirm, or declare, any matter to be fact, knowing the same to be false, or shall in like manner, deny any fact, knowing the same to be true, or shall refuse to depose, to affirm, or declare such fact, knowing the same to be true, the person so offending shall be deemed guilty of perjury, and upon conviction thereof, shall be fined in a sum not exceeding sixty dollars, or be whipped not exceeding thirty-nine stripes, and shall moreover be set in the pillory for a space of time not exceeding two hours, and be ever after incapable of giving testimony, being a juror, and of sustaining any office, civil or military in this territory.

Perjury, what cases deemed, and how punished.

And if any person or persons shall corruptly procure any other person to commit the crime of perjury, as before defined, he, she, or they so offending, shall upon conviction thereof suffer the same punishments and disabilities as in the case of actual perjury.

Larceny.

If any person or persons shall steal or purloin from another person or persons, any mo-

Larceny,
what cases
deemed ;

ney; goods, wares, or merchandize, or any other personal property or thing whatever, he, she, or they so offending, shall be deemed guilty of larceny, and upon conviction thereof, shall for the first offence restore to the owner the thing stolen, and pay to him the value thereof; or two fold the value thereof, if the thing stolen be not restored, and shall be fined in a sum not exceeding two fold the value of the thing or goods stolen, or shall be whipped not exceeding thirty-one stripes, at the discretion of the court. Upon a second conviction, restitution and payment shall be made to the owner as aforesaid—a fine shall be set and paid to the territory, not exceeding four fold the value as aforesaid, and the offender shall be whipped not exceeding thirty-nine stripes: and in like manner upon every succeeding conviction. And in case such convict shall not have property, real or personal, wherewith to discharge and satisfy the sentence of the court, it shall be lawful for the sheriff, by direction of the court, to bind such person to labour for a term not exceeding seven years, to any suitable person who will discharge such sentence.

how pu-
nished.

And if any person or persons shall receive any goods or other thing as aforesaid, knowing the same to be stolen, he, she, or they so offending, shall be deemed principally guilty, and upon conviction thereof shall be punished accordingly.

And if any person or persons shall agree or compound, or take satisfaction for any stealing, or goods stolen, such person or persons upon conviction thereof, shall forfeit twice the value of the sums or thing agreed for or taken: but no person shall be debared from taking his goods again, provided he prosecute the thief.

Provided also, that nothing herein shall be construed so as to oblige a parent to prosecute a child, being an infant, or in a state of minority.

Forgery.

Whoever shall forge, deface, corrupt, or embezzle any charters, gifts, grants, bonds, bills, conveyances, wills, testaments, or written contracts of any nature or kind, or shall deface or falsify any enrollment, registry or record, or matter or instrument recorded, or shall counterfeit the seal or hand writing of another with intent to defraud, every person so offending shall upon conviction thereof, be fined in double the sum he shall thereby have defrauded, or attempted to defraud another, one half thereof to the party injured or intended to be injured, and shall moreover forever after be rendered incapable of giving testimony, being a juror, or sustaining any office of trust, and be set in the pillory, not exceeding the space of three hours. And all persons wilfully aiding and assisting in the commission of these crimes, or who shall cause or procure the same, or any of them to be perpetrated shall be deemed principals.

Forgery,
what cases
deemed ;

how pu-
nished.

Usurpation.

No person shall take upon himself, or exercise, or officiate in any office or place of authority in this territory, without being lawfully authorized thereunto ; and if any person shall presume so to do, he shall upon conviction thereof, be fined in a sum not exceeding one hundred dollars.

Usurpation,
what cases
deemed ;
how fined.

Affault and Battery.

If any person shall unlawfully assault or threaten another in a menacing manner, or shall strike, or wound another, he shall upon conviction thereof, be fined in a sum not

Affault and
battery,
what cases
deemed ;

how fined exceeding one hundred dollars : and the court before whom such conviction shall be had, may at their discretion cause the offender to enter into recognizance with surety for the peace, and good behaviour, for a time not exceeding one year.

Fraudulent Deeds, &c.

Fraudulent deeds, &c. persons making them, how fined.

All bonds, bills, deeds of sale, gifts, grants or other conveyances or obligations whatever, made with intent to deceive and defraud others, or to defeat creditors of their just debts or demands shall be null and void ; and the person or persons so offending, shall upon conviction thereof, be fined in a sum not exceeding three hundred dollars, and pay double damages to the party or parties injured.

Disobedience of Children and Servants.

Power of justices in cases of disobedient children, &c

If any children or servants shall contrary to the obedience due to their parents or masters, resist or refuse to obey their lawful commands, upon complaint thereof to a justice of the peace, it shall be lawful for such justice to send him or them so offending, to the gaol or house of correction, there to remain until he or they shall humble themselves to the said parents, or masters satisfaction. And if any child or servant shall contrary to his bounden duty presume to assault or strike his parent or master, upon complaint and conviction thereof, before two or more justices of the peace, the offender shall be whipped not exceeding ten stripes.

Drunkennes.

Drunkennes, how fined.

If any person shall be convicted of drunkennes before one or more justices of the peace, the person so convicted shall be fined, for the first offence, in the sum of five dimes, and for every succeeding offence, and upon conviction, in the sum of one dollar ; and in either case,

upon the offender's neglecting or refusing to pay the fine, he shall be set in the stocks for the space of one hour. Provided however, that complaint be made to the justice or justices within two days next after the offence shall have been committed.

Improper and Profane Language.

Whereas idle, vain and obscene conversation, profane cursing and swearing, and more especially the irreverently mentioning, calling upon, or invoking the sacred and supreme being, by any of the divine characters in which he hath graciously condescended to reveal his infinitely beneficent purposes to mankind, are repugnant to every moral sentiment, subversive of every civil obligation, inconsistent with the ornaments of polished life, and abhorrent to the principles of the most benevolent religion. It is expected therefore, if crimes of this kind should exist, they will not find encouragement, countenance, or approbation in this territory. It is strictly enjoined upon all officers and ministers of justice, upon parents, and others, heads of families, and upon others of every description, that they abstain from practices so vile and irrational ; and that by example and precept, to the utmost of their power, they prevent the necessity of adopting and publishing laws, with penalties upon this head. And it is hereby declared that government will consider as unworthy its confidence all those who may obstinately violate these injunctions.

Improper &
profane
language
forbidden,
&c.

First day of the week.

Whereas mankind in every stage of informed society, have consecrated certain portions of time to the particular cultivation of the social virtues, and the public adoration and worship of the common parent of the universe : and

First day of the week to be religiously observed. whereas a practice so rational in itself, and conformable to the divine precepts is greatly conducive to civilization as well as morality and piety; and whereas for the advancement of such important and interesting purposes, most of the christian world have set apart the first day of the week, as a day of rest from common labours and pursuits; it is therefore enjoined that all servile labour, works of necessity and charity only excepted, be wholly abstained from on said day.

AR. ST. CLAIR.

SAML. H. PARSONS.

JAMES M. VARNUM.

C H A P T E R VII.

A LAW regulating Marriages: adopted and published by His Excellency Arthur St. Clair, Esquire, Governour, the Honourable Samuel Holden Parsons, and James Mitchell Varnum, Judges of the Territory of the United States north-west of the river Ohio.

At what age persons may marry; **M**ALE persons of the age of seventeen years, and female persons of the age of fourteen years, and not prohibited by the laws of God, may be joined in marriage.

by whom; It shall be lawful for any of the judges of the general court, or of the county court of common pleas in their respective counties, ministers of any religious society or congregation within the districts in which they are settled, and the society of christians called quakers in their public meetings, to join together as husband and wife all persons of the above description who may apply to them agreeably to the rules and usage of the respective societies to which the parties belong.

Previously to persons being joined in marriage as aforesaid, the intention of the parties shall be made known by publishing the same for the space of fifteen days at the least, either by the same being publickly and openly declared three several Sundays, holy days, or other days of public worship in the meeting in the towns where the parties respectively belong, or by publication in writing under the hand and seal of one of the judges before mentioned, or of a justice of the peace within the county, to be affixed in some public place in the town wherein the parties respectively dwell, or a license shall be obtained of the governour under his hand and seal, authorising the marriage of the parties without publication, as is in this law before required.

in what manner intention of the parties shall be published;

Male persons under the age of twenty-one years, and female persons under the age of eighteen shall not be joined in marriage without first obtaining the consent of their fathers respectively, or (in case of the death or incapacity of their fathers) of their mothers, or guardians, provided such parents or guardians live within the territory.

certain persons to obtain previous consent of parents, &c.

Where persons not resident within the territory apply to be joined in marriage, the consent of fathers, mothers, or guardians shall be obtained in like manner as if they were citizens of the territory.

A certificate of every marriage solemnized as aforesaid, signed by the judge or minister celebrating the same, or in case of quakers, by the clerk of the meeting, shall be by such judge, minister or clerk respectively transmitted to the register of the county wherein the marriage has been solemnized, within three months thereafter, to be entered on record by such re-

Certificates of marriage by whom given, &c.

exemplification to be deemed evidence. gister, an exemplification of which shall be evidence of such marriage.

Penalty on marrying persons contrary to this law ; If any judge, minister or others by this law authorized to join persons in marriage shall perform the celebration thereof contrary to the true intent and meaning of the same, the person or persons so offending, shall upon conviction thereof forfeit the sum of one hundred dollars to and for the use of the territory.

on neglecting to transmit marriage certificate. And if any judge, minister, or clerk as aforesaid shall neglect to transmit a certificate of such marriage to the register as aforesaid, he shall upon conviction thereof forfeit twenty dollars to and for the use of the territory.

AR. ST. CLAIR.
SAML. H. PARSONS.
JAMES M. VARNUM.

CHAPTER VIII.

A LAW in addition to a Law, entitled, a Law for regulating and establishing the Militia, in the Territory of the United States north-west of the River Ohio, published by his Excellency Arthur St. Clair, Governour, Samuel Holden Parsons, and James Mitchell Varnum, Esquires, Judges of the Territory of the United States north-west of the river Ohio, in the city of Marietta, Nov. the 23d, A. D. 1788.

Duty of militia officers. **T**HE officers of the militia are required, and it shall be their duty to cause all persons who by law are obliged to do military duty to be enrolled in the companies of militia.

Persons neglecting to provide arms, &c. Any person who by the aforesaid law, is obliged to do military duty, and shall neglect to furnish himself with arms, accoutrements and ammunition, agreeably to the requirements of said law, by the times herein after mentioned shall pay a fine, for each month, he

shall neglect to provide the articles by said former law required, in the sums herein after specified, that is to say, for a musket and bayonet, or rifle, not provided within thirty days after the publication of this law, or next after such person shall be enrolled, five dimes; for every pound of powder, and four pounds of lead, or forty rounds of cartridges not provided within fifteen days next after the publication of this law, or after such person shall be enrolled, two dimes and five cents; for every cartridge box and pouch, or powder horn and bullet pouch not provided within fifteen days, next after the times before herein specified, two dimes; for every six flints not provided within ten days, next after the times before mentioned, one dime and five cents; for every priming wire and brush not provided within thirty days as aforesaid, one dime.

And the military officers are hereby required and directed to inspect the arms, accoutrements, and ammunition of the men belonging to their respective companies, on the first Sabbath day in each month. And the officers of the companies of militia are authorized and directed to collect the fines, by this law inflicted, in the same manner as other fines are by said former law to be collected.

Officers to inspect the arms, &c.

and collect the fines.

AR. ST. CLAIR.

SAML. H. PARSONS.

JAMES M. VARNUM.

CHAPTER IX.

A LAW appointing Coroners, published the 21st of December, 1788, by his Excellency Arthur St. Clair, Governour, the Honourable Sumuel Holden Parsons, and James Mitchell Varnum, Esquires, Judges of the Territory of the United States north-west of the river Ohio.

Coroner to
be appoint-
ed ;

to give
bond,

his duty.

A Coroner shall be appointed in each county within this territory, who shall be sworn to a faithful discharge of his office, and shall give bonds in the sum of two thousand dollars, with two sureties for the due performance of the same before he enters upon the duties thereof.

And it shall be the duty of the Coroner, by a jury of the county, to enquire concerning the death of a person slain, who dies suddenly or in prison, and his inquisition so taken he shall certify to the next general court holden within the county, or to the court of general quarter sessions of the peace holden for the county.

And it shall be the duty of the coroner to execute process of every kind wherein the sheriff is a party or interested in the suit, or for other just cause is by law rendered incapable to execute the same.

And in case the sheriff for any cause shall be committed to gaol, the coroner shall by himself or such person as he shall appoint, be keeper of the gaol during the time the sheriff shall remain a prisoner.

AR. ST. CLAIR.
SAML. H. PARSONS.
JAMES M. VARNUM.

CHAPTER X.

A L A W limiting the times of commencing Civil Actions and instituting Criminal Prosecutions ; published by his Excellency the Governour, and the Judges Samuel Holden, Parsons, and James Mitchell Varnum, Esquires, in the Territory of the United States north-west of the Ohio, December the 28th, 1788.

ACTIONS of trespass, *trespas quare clausum fregit*, case (other than for slander) debt upon simple contract, or for rent, detinue trover, waste and account, other than such accounts as concern the trade of merchandize between merchant and merchant, their factors and servants, shall be commenced within six years next after the cause of action shall have arisen, and not afterwards.

Limitation
of actions of
trespass, &c.

Actions of trespass for assault and battery, wounding and imprisonment, within four years next after the cause of action ; action on the case for slander, within two years next after the cause of action ; actions of debt upon specialty, and matters of record, and covenant, within ten years next after the cause of action, and not afterwards. Provided however, that if any person entitled to any of the actions aforesaid, shall at the time of the cause thereof accruing, be within the age of twenty-one years, feme covert, non compos mentis, or imprisoned, then and in such cases, the action may be commenced within the space of one year after such disabilities shall respectively be removed.

All prosecutions for crimes, other than for capital offences, forgery, perjury and larceny, shall be instituted within two years next after the crime shall have been committed, and prosecutions for the crimes of forgery, perjury, and larceny shall be instituted within four years

next after the crime shall have been committed and not afterwards.

AR. ST. CLAIR,
SAML. H. PARSONS,
JAMES M. VARNUM.

CHAPTER XI.

COPIES of the Laws passed in the Territory
of the United States north-west of the
River Ohio, in the Year 1790;

WINTHROP SARGENT, Secretary.

An ACT to prohibit the giving or selling intoxicating Liquors to Indians, residing in, or coming into the Territory of the United States north west of the river Ohio, and for preventing Foreigners from trading with Indians therein. Passed at Vincennes the nineteenth day of July, one thousand seven hundred and ninety, by the Honourable Winthrop Sargent, Esquire, Secretary of the said Territory (now vested with all the powers of the Governor thereof) and the Honourable John Cleves Symmes and George Turner, Esquires, Judges in and over the same.

WHEREAS many abuses dangerous to the the lives, peace, and property of the good people of this territory, and derogatory to the dignity of the United States, have arisen by reason of traders and other persons furnishing spirituous and other intoxicating liquors to the Indians inhabiting, or coming into the said territory. For remedy whereof—

Sec. 1. *Be it enacted,* That if from and after the first day of January next, any trader or other person whomsoever, residing in, coming into, or passing through the said territory of the United States north-west of the river Ohio, or any part thereof, shall presume to furnish, vend, sell, or give, or shall direct or procure to be furnished, vended, sold, or given upon any account

Forfeiture
for vending
intoxica-
ting liquors

whatever, to any Indian or Indians, or nation to Indians or tribe of Indians, being within the territory aforesaid, any rum, brandy, whisky or other intoxicating liquor or drink, he or she so offending, shall forfeit and pay, for every quart of such liquor, or drink, so furnished, the sum of five dollars, and for any quantity furnished at one time, less than a quart, the sum of four dollars. One moiety of each, and every of the several penalties, shall go to the party informing, how disposed of; on conviction of the offender, and the other moiety thereof to the use of the said territory.

Sec. 2. *And be it further enacted,* That if any person not a subject or citizen of the United States, or of this territory, or who owes or professes to owe allegiance to any foreign potentate, power, state, or colony, shall after the said first day of January next, be found within this territory, buying from, distributing among, or selling or giving to any of the Indians, or nations, or tribes of Indians inhabiting the same, any manner of goods, wares, or merchandize, or other articles of commerce, barter or exchange, he or she so transgressing, shall forfeit to the use of this territory, all his or her goods and chattels personal, and suffer in any of the counties of the said territory, imprisonment without bail or mainprize, for a term not exceeding eighteen months, nor less than six months. And if any person being a citizen of the United States, or resident within this territory, shall after the said first day of January, go to, reside in, or trade with Indians, against citizens trading without licence. at or near any of their towns, settlements or habitations, lying within the said territory, without a license for that purpose first duly obtained, he or she shall forfeit and pay to the use of this territory, the sum of five hundred

dollars. *Provided always,* That nothing herein contained shall be taken or construed to impair or weaken the powers and authority that now are, or at any time hereafter, may be vested in the governour and commander in chief, or other person, as superintendant of Indian affairs, or commissioner plenipotentiary for treating with Indian nations.

WINTHROP SARGENT.
JOHN CLEVÈS SYMMES.
G. TURNER.

CHAPTER XII.

An ACT prohibiting the sale of spiritous and other intoxicating Liquors to Soldiers in the service of the United States, being within ten miles of any military Post within the Territory of the United States north-west of the river Ohio; and to prevent the selling or pawning of arms, ammunition, cloathing, and accoutrements. Passed at Vincennes the twenty-sixth day of July, in the year of Christ one thousand seven hundred and ninety, by the Honourable Winthrop Sargent, Esquire, Secretary of the said Territory (now vested with all the powers of the Governour and Commander in Chief thereof) and the Honourable John Cleves Symmes, and George Turner, Esquires, Judges in and over the same.

regulation
for sale of
spiritous li-
quors

Sec. 1. **B**E it enacted, That if any person being within ten miles of any encampment, post, fort or garrison, or hospital for the convalescents thereof now, or hereafter to be formed, established or erected within this territory, and occupied, garrisoned, or possessed by regular troops in the service of the United States, or of this territory, shall give, sell, exchange or furnish, or cause or procure to be given, sold, exchanged, or furnished, to any non-commissioned officer or private soldier (knowing him to be such) serving in or belong-

ing to any encampment, post, fort, garrison, or hospital as aforesaid, any spirituous or other intoxicating liquor or drink, be the quantity more or less, without an order in writing previously obtained from a commissioned officer serving with the same troops, he or she so offending, shall on conviction, forfeit and pay to the use of the party first informing (or to the use of the county wherein the offence is committed, if the prosecution be at the suit, and on behalf of the United States) the sum of two dollars for every gill of such liquor, or drink so furnished, without an order as aforesaid, to be recovered before any two justices of the peace for the county wherein the offence shall be committed, in case the aggregate sum, so to be forfeited do not exceed twenty dollars, or if otherwise by action of debt or information in any court of record. *Provided always*, That nothing herein before contained shall be construed to restrain the surgeon or surgeon's mate, having the care of the convalescents, in any such hospital or hospitals, from procuring for the use thereof any liquor or drink, he may deem needful.

Sec. 2. *And be it further enacted*, That if any person shall presume to bargain for, purchase, or receive in pledge, or as a gift, or cause or procure to be bargained for, purchased, or received in pledge or as a gift, on any pretence whatever, all or any part of the public arms, ammunition, clothing or accoutrements pertaining to any non-commissioned officer or private soldier in the service aforesaid (knowing him to be such) he or she so offending, shall on conviction, forfeit and pay for the first offence treble the value of the articles so purchased or received, the same to be recovered with costs, by action of debt or information, in any court

to non-commissioned officers, &c.

penalty on purchasing their arms, &c.

Penalties
herein, how
disposed of.

of record, one half to the informer, and the other half to the United States, or the whole to the United States, where prosecution shall be first instituted on the public behalf alone : and for every repetition of the like offence by the same person, he or she so offending again, shall forfeit and pay in like manner treble the value of the articles purchased or received as aforesaid, together with costs, and shall moreover suffer imprisonment for a term not exceeding one month.

This act shall commence, and be in force from the first day of January next ensuing.

CHAPTER XIII.

An ACT for suppressing and prohibiting every species of Gaming for Money or other Property, and for making void all contracts and payments made in consequence thereof, and also for restraining the disorderly practice of discharging Fire Arms at certain hours and places. Passed at Vincennes the fourth day of August, in the year of Christ one thousand seven hundred and ninety, by the Honourable Winthrop Sargent, Esquire, Secretary of the Territory of the United States north-west of the River Ohio, (now vested with all the powers of the Governor and Commander in Chief thereof) and the Honourable John Cleves Symmes and George Turner, Esquires, Judges in and over the same.

Treamble.

WHEREAS the population, happiness and prosperity of all countries, especially infant communities, necessarily depend upon the sobriety and industry of the people, and their attention to the moral and political duties of life, without which neither the great ends of society can be answered, nor the blessings of good government be felt. And whereas many pernicious games have been publickly practised in this territory, tending to the

corruption of morals and the increase of vice and idleness, and by which the honest and unsuspecting citizen may be defrauded, and deserving families be reduced to beggary and want.

Sec. 1. *BE it therefore enacted*, That if any person or persons within this territory, shall on his, her or their own account, or on the account of any other person or persons, publicly set up, permit, or suffer, or cause or procure to be publicly set up, permitted or suffered, any species of gaming, play or pastime whatever, whereby money or other property shall be betted, won or lost, or by reason whereof the party so publicly permitting the same, shall or may derive any benefit or advantage, in money, goods or other property, as a consideration for permission to play or bett thereat, each and every such person so offending shall forfeit and pay for every such offence of which he or she shall be convicted, the sum of two hundred dollars, to be recovered with costs, by information, indictment, or action of debt, in any court of record where the same shall be cognizable.

Penalty on setting up gaming tables, &c.

Sec. 2. *And be it further enacted*, That if any tavern-keeper or inn-keeper shall expose, permit or suffer to be played at, in his or her dwelling-house, or in any out-house, or within or under any booth, arbour, shed or other place pertaining to such dwelling-house, or being in his or her tenure or possession, any billiard, faro, E. O. hazard, or other gaming tables, or any other machine, instrument, device, or invention whatsoever, by reason whereof money or other property shall be betted, won or lost, or whereby he or she shall derive any benefit or advantage, in money or other property, as a consideration for permitting others to play or

bett thereat. Then, and in every such case, the party so offending shall be deprived of his or her license, and moreover forfeit and pay to the use of the territory, the sum of one hundred dollars, to be recovered with costs, by information, indictment, or action of debt in any court of record where the same shall be cognizable. *Provided always*, That where in any of the cases

Penalties
how dispo-
sed of.

Sec. 3. *And be it further enacted*, That every promise, agreement, note, bill, bond, or other contract to pay, deliver or secure money, goods, or estate, won or obtained, either by playing at cards, dice-tables, tennis-bowls, or other games, chances, sports, or pastimes, or by laying or betting, on the hands, or fides of any person or party, who shall play at such or any other games, chances, sports, or pastimes, or which shall be won or obtained, by laying or betting on any horse-race, cock-fight, or other sport, pastime, game, or exercise of skill or chance, or which is intended to repay or secure money or other thing lent or advanced for any of the purposes aforesaid, or lent or advanced at the time of such gaming, sporting, or betting, to a person then actually betting, laying, or adventuring money or other thing, shall and the same is and are hereby declared to be null and void. And any conveyance or lease of lands, tenements, or hereditaments, sold, demised, or mortgaged, and any sale, mortgage or other transfer of per-

Notes, &c.
given for
money won
at cards,
&c.

declared
void, and
any convey-
ances, &c.

sonal estate, to any person for his use, to satisfy ^{for money} or secure money or other thing by him won of, ^{won} or lent, or advanced to the sellor, lessor, or mortgagor, or whereof money or other thing, so won or lent, or advanced, shall be part, or all of the consideration money, shall enure to the heir or heirs of such mortgagor, lessor, bargain- ^{to enure to} or or vendor, and shall vest the whole estate and ^{heirs of the} interest in such person, in the lands, tenements or hereditaments so leased, mortgaged, bargained or sold, and in the personal estate so sold, mortgaged or otherwise transferred to all intents and purposes, in the heir or heirs of such lessor, bargainor, mortgagor or vendor, as if such lessor, bargainor, mortgagor or vendor had died intestate.

Provided always nevertheless, That nothing so far in this act contained, shall be deemed or construed to restrain or impair the natural and necessary liberty which all goods citizens, or subjects without distinction, may of right claim and enjoy in the peaceable exercise of any useful or rational amusement, recreation, sport or pastime, whether the same be used to promote health, pleasure, or a laudable emulation to excel in feats of skill, strength, adroitness, or otherwise howsoever. *Provided,* That neither money nor other property be betted, won or lost thereby, nor any consideration of money or other property be taken or given for or by reason of the same. ^{This law not to impair right to rational amusement, &c.}

And whereas a disorderly practice prevails in many parts of this territory of discharging fire arms in the streets and vicinity of cities, towns, villages and stations, and also of discharging fire-arms by night in and near such cities, towns, villages and stations, by means whereof the lives of citizens are endangered,

alarms are excited, and the repose and peace of the community disturbed.

For remedy of which abuses,

Fire arms
not to be
discharged
within cer-
tain distance
of a house,

under what
penalty ;

none to be
discharged

before sun-
rise and af-
ter sun set,
under what
penalty.

Sec. 4. *Be it enacted*, That if any person shall presume to discharge or fire, or cause to be discharged or fired, any gun or other fire arms at any mark or object, or upon any pretence whatever, unless he or she shall at the same time be with such gun or fire-arms at the distance of at least one quarter of a mile from the nearest building of any such city, town, village or station, such person shall for every such offence, forfeit and pay to the use of the county in which the same shall be committed, a sum not exceeding five dollars, nor less than one dollar. And if any person being within a quarter of a mile of any city, town, village or station as aforesaid, shall at the same time wilfully discharge or fire any gun or fire-arms, or cause or procure the same to be discharged or fired, at any time after the setting of the sun and before the rising of the same, he or she so offending, shall in like manner forfeit and pay to the use aforesaid, a sum not exceeding five dollars, nor less than one dollar ; reserving nevertheless to any person who will inform, and sue for either of the penalties herein before last mentioned within one month from the commission of the offence, a moiety of the penalty which the party offending shall on conviction be adjudged to forfeit and pay, the other moiety thereof to go to the use of the county as aforesaid ; which said several penalties, or either of them, shall be recoverable with costs, before any justice, judge, or court having cognizance of the same.

Provided always, That nothing herein contained shall be deemed or construed to extend

to any person lawfully using fire-arms as offensive or defensive weapons, in annoying, or opposing a common enemy, or defending his or her person or property, or the person or property of any other, against the invasion or depredations of an enemy, or in the support of the laws and government; or against the attacks of rebels, highwaymen, robbers, thieves, or others unlawfully assailing him or her, or in any other manner where such opposition, defence, or resistance is allowed by the law of the land.

Right to
use arms
lawfully;

Provided also, That nothing herein contained shall be construed or extend to prevent the necessary military exercise, evolutions and firings of, or the discharging of cannon or small arms, by any soldiers or troops in the service of the United States, or of this territory, being in the field, or posted in or near any city, town, village, station, garrison, fort, encampment or other place, and acting under the immediate orders, or by the special direction of the officer commanding the same. Nor shall any thing herein contained be intended or construed to extend to the act of killing or destroying birds of prey, or other wild birds, and mad or wild animals of the brute kind lurking among, in or near, or preying upon or threatening to prey upon and devour any kind of animal stock, or the corn, grain, and other produce in, of or belonging to any plantation, field, garden, or other place within, adjoining, or in the vicinity of any city, town, village or station: nor to the hindrance of any person shooting at or killing any of the larger kind of game or wild animals, such as buffaloes, bears, deer, hares, rabbits, turkies, swans, geese that may happen at any time to come in view, or be passing or feeding near any

in military
exercise, &c.

or in killing
birds, &c.
not infringed.

In what direction game, may be shot at.

city, town, or other place as aforesaid: but every person shooting at any of such game is hereby required to discharge the ball, or balls, shot, or missile weapon so employed in a direction from such city, town, village, or station towards the country so as such ball or balls, missile weapon, or shot, shall pass by or from, and go clear of the buildings pertaining to the same.

Duty of judges herein.

Sec. 5. *And be it further enacted,* That as well the presiding judge in the general court, as the presiding judge or justice in each and every inferior court of law, in this territory shall severally and from time to time give this act in charge to the grand juries of such courts respectively whenever such grand juries shall be sworn.

This act to commence and be in force from and after the first day of January next.

WINTHROP SARGENT.
JOHN C. SYMMES.
G. TURNER.

C H A P T E R XIV.

An ACT to alter the Terms of the General Court, passed at Cincinnati in the county of Hamilton and territory of the United States north-west of the river Ohio, by his Excellency Arthur St. Clair, Esquire, Governor and Commander in Chief in and over the Territory, and the Honourable John Cleves Symmes and George Turner, Esquires, Judges in and over the same, on the fourth day of November in the year of our Lord one thousand seven hundred and ninety.

When and where the terms of general court shall be held.

Sec. I. **B**E it enacted and it is hereby enacted, That from and after the first day of January next, the several terms of the general court for the territory north-west of the river Ohio shall be held in the following manner, viz.

In the county of Knox on the first Tuesday in May yearly and every year. In the county of St. Clair on the second Tuesday in June yearly and every year. In the county of Hamilton the first Tuesday in October yearly and every year. And in the county of Washington on the second Tuesday in November yearly and every year.

Sec. 2. *And be it further enacted*, That so much of the statute laws of the territory as are repugnant to the spirit of this act be and are hereby repealed. Certain parts of former laws repealed.

AR. ST. CLAIR.
JOHN CLEVES SYMMES.
G. TURNER.

CHAPTER XV.

An ACT to augment the Terms of the County Courts of Common Pleas from two to four terms in the year, and to increase the number of Judges of the said Court, and also of the Justices of the Quorum in the several counties: Passed at Cincinnati in the county of Hamilton, the sixth day of November in the year of our Lord one thousand seven hundred and ninety, by his Excellency Arthur St. Clair, Esquire, Major-General in the late armies of the United States, and Governor and Commander in Chief of the Territory of the United States north-west of the river Ohio, and the Honourable John Cleves Symmes and George Turner, Esquires, Judges in and over the said territory.

WHEREAS the sittings of the county court of common pleas in the several counties of this territory, have hitherto been limited to two terms only in a year, and which on experience hath been found to create great delays in the administration of justice, and the prosecution of suits to effect.

Sec. 1. *Be it therefore enacted*, That from and after the publication of this act, four terms of the county court of common pleas shall be held by the judges of the said court in each and every Four terms of county courts to be held;

where and
when to
commence ; county respectively (that is to say) those for the county of Washington shall be held on the third Tuesdays in March and June, and the first Tuesdays in September and December yearly and every year. Those for the county of Hamilton, on the first Tuesday in February, May, August and November, yearly and every year. Those for the county of St. Clair to be held as followeth (to wit) in the district of Kaskaskias on the first Tuesdays of January, March, June and August ; those for the district of Cahokia on the first Tuesdays of February, April, July and October ; and those for the district of Prairie du Rocher, on the first Tuesdays of May, August, November and February, yearly and every year. And those for the county of Knox on the first Tuesdays in February, May, August and November, yearly and every year.

power of the
governor
herein on
erecting
new coun-
ties. And whenever the governor of this territory shall hereafter think proper to erect, or sett off any new county or counties in the same, he is hereby authorized and empowered to ascertain, specify and publish by proclamation, on what certain days in the year, and the place or places, in such new county or counties where the said county courts of common pleas, and also the courts of general quarter sessions of the peace, shall severally and respectively be opened and held in each and every year.

And whereas it appears that the number, as limited by law, of judges of the several county courts of common pleas is too small for the due administration of justice.

Sec. 2. *Be it therefore enacted,* That the governor and commander in chief of the territory for the time being is hereby authorized and empowered to nominate and commission in the several counties already erected, or which may

hereafter be erected in the territory, any number of persons as judges of the county court of common pleas, not less than three nor more than seven in each and every county. And the governour is hereby further authorized and empowered to increase the justices of the quorum in the several counties of the territory to any number not exceeding nine in each and every county thereof.

Governor may appoint not more than seven judges in each county.

Sec. 3. *And be it further enacted*, That so much and such parts of the statute laws as have been heretofore published in the territory, and are repugnant to the principles and spirit of this act shall be and the same are hereby repealed,

Parts of laws repugnant to this repealed.

AR. ST. CLAIR.
JOHN CLEVES SYMMES.
G. TURNER.

CHAPTER XVI.

An ACT to authorize and require the Courts of General Quarter Sessions of the Peace, to divide the Counties into Townships and to alter the boundaries of the same when necessary, and also to appoint Constables, Overseers of the Poor, and Clerks of the Townships, and for other purposes therein mentioned. Passed at Cincinnati in the county of Hamilton, the sixth day of November, in the year of our Lord one thousand seven hundred and ninety, by his Excellency Arthur St. Clair, Esquire, Major General in the late armies of the United States, and Governor and Commander in Chief of the Territory of the United States north-west of the river Ohio, and the honourable John Cleves Symmes and George Turner, Esquires, Judges in and over the Territory aforesaid.

Sec. 1. **B**E it enacted, That as soon as may be after the publication of this act, the justices of the court of general quarter sessions of the peace in the several counties within this territory, shall in their sessions respectively, proceed to divide the said counties into

Justices of gen. qr. sessions, to divide the counties, &c.

townships, affigning to fuch townships refpectively fuch limits and bounds, natural or imaginary as fhall appear to be moft proper, having due regard to the extent of country, and number of inhabitants refiding within the fame; and the faid townships or any of them to fubdivide from time to time whenever the intereft and convenience of the inhabitants thereof may feem to require it. And the juftices in feflion as aforefaid fhall caufe their clerk of the court to enter of record on the docket of the fame court the particular time when each township is fet off and the fpecific boundaries affigned thereto.

Justices to
appoint
constables;

their duty.

Sec. 2. *And be it enacted,* That the faid juftices in feflion in each and every county fhall refpectively nominate and appoint annually in every township within their county, one or more conftables, each of whom fhall continue to ferve as a conftable of the township fpecially, and as a conftable of the county generally for the term of one year next enfuing his appointment; and his power and duty fhall be to ferve all fuch fummonfes, warrants, fubpœnas, mittimuffes, and other lawful precepts, as fhall be directed to him fpecially, or to him generally with the others, or any conftable of the county, and be put into his hand for the purpofe of fervice. And generally to do and perform all duties and fervices incumbent on him as an officer of the township or county, or of the feveral courts of law, and juftice which may from time to time be appointed and held in the county for which he may be a conftable; and furthermore to do all and fingular the duties now or hereafter to be enjoined by law.

And every perfon accepting the office of conftable fhall before he enters on the duties thereof

take the following oath before the court of general quarter sessions, or (in the vacation thereof) before a justice of the peace, who shall enter the same on his docket, that is to say, "I, A B, do solemnly and sincerely swear that I will faithfully and truly do my duty as a constable of the county of C. and impartially demean myself in office, according to my best understanding. So help me God." And where any person accepting such office of constable shall declare himself conscientiously scrupulous against taking an oath, then the following affirmation shall in like manner be administered instead thereof, that is to say, "I, A B, do solemnly, sincerely and truly declare and affirm that I will faithfully and truly do my duty as a constable of the county of C. and impartially demean myself in office, according to my best understanding," which affirmation shall be entered on the docket of the justice administering the same.

Oath.

Sec. 3. *And be it further enacted,* That the said justices in session in their respective counties, shall annually appoint one or more overseers of the poor in each and every township of the county, to serve for the term of one whole year, and it shall be the duty of every such overseer to make report to any justice of the peace in and for the county, of all vagrant persons likely to become chargeable to the township for which he is appointed overseer, and also to take notice of all the poor and distressed families and persons residing in his proper township, and enquire into the means by which they are supported and maintained. And whenever he shall discover any person or family really suffering through poverty, sickness, accident, or any misfortune or inability, which may render him, her, or them a wretched and proper object of pub-

Justices to
appoint
overseers of
the poor;

their duty:

Duty of
overseers of
the poor :

lic charity, it shall be his duty, and he is hereby strictly enjoined to give immediate information thereof to a justice of the peace, acting in and for the same county, that legal means may be then taken by such justice to afford the person or persons so suffering proper and seasonable relief. And every overseer of the poor appointed as aforesaid shall take the same oath or affirmation according to his conscience, to be administered and entered by the same authority, and in the same manner as is prescribed in this act for a constable, changing only the words " a constable," to the words " an overseer of the poor," and the word " county," to that of " township."

to take
oath.

Justices to
appoint
town clerks;
their duty.

Sec. 4. *And be it further enacted,* That the justices in session as aforesaid shall appoint in each township throughout the several counties respectively, a clerk of the township during good behaviour, whose duty it shall be to keep a fair book of entries, containing the particular marks and brands assumed for distinguishing the horses, cattle, hogs, or other beasts of such inhabitants of the township as may choose to be at the expense of thus registering the same, and the name and particular place of abode of every such inhabitant shall at the same time be entered therein. And for every mark or brand so registered, the clerk of the township shall be entitled to demand and receive of the person employing him the sum of one quarter of a dollar, and no more. And that it may be readily known to what particular township estrays belong, the justices in session as aforesaid shall assign to each and every township a distinct letter of the alphabet to be taken and used, as the peculiar and general brand of the same township by all the inhabitants thereof, who shall cause the form of such letter to be impressed upon one

or both of the horns of every bull, cow, and ox, and upon one or both of the shoulders of every horse, mare and colt, to such inhabitants respectively belonging. And moreover the clerk of the township shall keep another book in which he shall enter from time to time every estray that may be reported to him for that purpose, describing the natural and artificial marks, as well as the colour, sex, age, and stature of every such estray, as far as the same shall come to his knowledge, together with the name of the person taking up such estray, and where it may be found. And for every estray so entered by the clerk he shall be entitled to demand and receive of the person at whose instance such entry was made, the sum of half a dollar and no more, and thereupon it shall be the further duty of such clerk, to make out in writing as soon as may be afterwards two or more fair and legible copies of an advertisement describing such estray as entered in his said book, and informing when and where the same was taken up, and where it may be found, one of which copies shall be put up in some conspicuous part of his dwelling house, and the other copy thereof he shall cause to be put up in some conspicuous part of the town, or place where the courts of justice are usually held in and for the same county.

Sec. 5. *And be it further enacted,* That if any person or persons shall take up any estray within the meaning of this act, and shall not within seven days thereafter give or send notice thereof to the then nearest clerk of the township, particularly describing such estray, with the time and place when and where the same was so taken up and where it is to be found, he, she or they so offending shall for-

Duty of
townclerks

Duty of
persons in
cases of es-
trays,

penalty for
neglect
thereof.

feit and pay to the party informing the sum of eight dollars, to be recovered with costs before any judge of the county court of common pleas, and moreover shall be liable to the action of the proper owner of such estray, and upon conviction shall pay double damages, any thing in this or any other act of the territory contained to the contrary notwithstanding.

AR. ST. CLAIR.
JOHN CLEVES SYMMES.
G. TURNER.

COPY of the Laws passed in the Territory of the United States north-west of the River Ohio, from January the 1st, 1791, to the 31st of December, inclusive.

C H A P T E R XVII.

An ACT supplementary to a law, entitled, "A law respecting crimes and punishments, published at Marietta the sixth day of September in the year of our lord one thousand seven hundred and eighty-eight." Passed at Cincinnati in the county of Hamilton, the twenty-second day of June, in the year of our lord one thousand seven hundred and ninety-one, by his Excellency Arthur St. Clair, Esquire, major-general in the service of the United States, and Governour and Commander in Chief of their Territory north-west of the river Ohio, and the Honourable John Cleves Symmes and George Turner, Esquires, Judges in and over the same.

Persons
fraudulent-
ly obtain-
ing goods,
&c.

BE it enacted, That if any person or persons shall knowingly and designedly, by any false pretence or pretences, obtain from any other person or persons any monies, goods or merchandize, or other effects whatsoever, with intent to cheat or defraud such person or per-

sons of the same, he, she or they, so offending ^{how punished.} shall, on conviction thereof by verdict or confession on indictment suffer such punishment as in cases of larceny is provided to be inflicted by the aforesaid law passed at Marietta; any thing in this or any other law to the contrary notwithstanding. This act to commence and be in force on, from and after the first day of January next ensuing its date.

AR. ST. CLAIR.

JOHN CLEVES SYMMES.

G. TURNER.

CHAPTER XVIII.

An ACT for the punishment of persons tearing or defacing publications set up by authority. Passed at Cincinnati in the county of Hamilton, the twenty-second day of June, in the year of our Lord one thousand seven hundred and ninety-one, by his Excellency Arthur St. Clair, Esquire, major-general in the service of the United States, and Governour and Commander in Chief of their Territory northwest of the river Ohio, and the Honourable John Cleves Symmes, and George Turner, Esquires, Judges in and over the same.

Sec. 1. **B**E it enacted, That if from and after the publication of this act in the several counties respectively within this territory, any person or persons shall wilfully and maliciously deface, obliterate, tear down, or destroy, in part or in whole, any copy or transcript of, or extract from, any act or law passed by the legislature of this territory, or by the legislative authority of the United States, or proclamation of the President of the United States, or of the governour and commander in chief of this territory, the same being officially fixed up in some conspicuous place by public authority for general information; every person so offending shall on conviction before a ^{Persons convicted of defacing, &c any public act posted up;}

how pun-
ished. magistrate forfeit and pay to the use of the territory, for every such offence, a sum not exceeding three dollars, besides costs, or be set in the stocks at the discretion of such magistrate, for a space not exceeding three hours : or in case the offender shall be unable or refuse to pay such fine (he being fined) then he shall be set in the stocks for a space not exceeding three hours, and be afterwards discharged on paying costs only.

Persons
tearing
down up-
blications of
banns of
matrimony,
how pun-
ished. Sec. 2. *And be it further enacted,* That if, as aforesaid, any person shall wilfully and maliciously deface, obliterate, tear down, or destroy, in part or in whole, any publication of the banns of matrimony or advertisement respecting estrays, or any other notification set up in pursuance of any act or law now or which hereafter may be in force within this territory, such offender shall for every such offence of which he may be convicted, as aforesaid, be set in the stocks for three hours and pay costs, or stand committed to prison till the same are paid : any thing in this or any other act or law to the contrary notwithstanding.

ARTHUR ST. CLAIR,
JOHN CLEVES SYMMES,
G. TURNER.

CHAPTER XIX.

An ACT creating the office of Clerk of the Legislature, passed at Cincinnati in the county of Hamilton, the twenty-second day of June in the year of our Lord one thousand seven hundred and ninety one, by his Excellency Arthur St. Clair, Esquire, Major-General in the service of the United States, and Governour and Commander in Chief of their territory north-west of the River Ohio, and the Honourable John Cleves Symmes, and George Turner, Esquires, Judges in and over the same.

I. **B**E it enacted, That an officer shall be appointed and commissioned, to hold during pleasure, the office of clerk of the legislature of the territory of the United States north-west of the river Ohio. Clerk of the legislature to be appointed;

II. Before the said clerk enters upon the duties of his office, he shall take and subscribe the following oath (or affirmation) to be administered by a member of the legislature (that is to say) "I, A B, do solemnly swear (or affirm) that I will execute to the best of my abilities, the duties which now or hereafter shall pertain to the office of clerk of the legislature : So help me God." his oath,

III. It shall be his special duty from time to time, to engross or cause to be engrossed, fairly and accurately in words at length, all acts or laws which the said legislature may pass, in order that the same may receive the territorial seal, and the signature of the legislators passing the same. duty

IV. The said clerk shall procure authenticated copies of the laws and cause the same to be published in each and every county and district of this territory (at least once in each county and district) for the information of the citizens throughout the same. to publish the laws.

Duty of the
clerk of the
legislature.

V. He shall as soon as may be after each act is passed, procure and furnish a fair, accurate, and authentic copy thereof, to the governour and commander in chief of the territory for the time being, and to each and every of the judges in and over the same, also a like copy to the county court of common pleas in each and every county and district; another copy to each and every of the judges of probate; and a copy to the court of general quarter sessions of the peace held in and for each and every county and district of this territory.

VI. He shall discharge such other duties as the legislature may from time to time think expedient and proper.

VII. He shall furnish to every person requiring it, certified copies of any transcripts of laws in his possession; and be entitled to demand and receive for every sheet of one hundred words, eight cents, to his proper use and benefit.

VIII. And as a farther compensation for his official services, and all expenses incident to the office, the said clerk shall receive quarterly, out of the revenues of this territory (whenever provision can be made for the same) the sum of eight cents for every sheet of one hundred words which he shall engross, or transcribe, for any of the public departments, or officers as aforesaid.

AR. ST. CLAIR.
JOHN CLEVES SYMMES.
GEORGE TURNER.

CHAPTER XX.

An ACT for rendering authentic as evidence in the Courts of this Territory, the public acts, records and judicial proceedings of Courts in the United States. Passed at Cincinnati, in the county of Hamilton, the twenty-second day of June, in the year of our Lord one thousand seven hundred and ninety-one, by his Excellency Arthur St. Clair, Esquire, major-general in the service of the United States, and Governour and Commander in Chief of their Territory north-west of the River Ohio, and the Honourable John Cleves Symmes, and George Turner, Esquires, Judges in and over the same.

I. **B**E it enacted, That every act of the legislature of any one of the United States, having the seal of such state affixed thereto, shall be deemed authentic, and receive full faith and credit when offered in evidence in any court of justice within this territory.

State acts
having seal
affixed
deemed au-
thentic.

II. And the records and judicial proceedings of the several courts of, or within the United States, shall be proved or admitted in the courts of justice in this territory, by the attestation or certificate of the clerk or prothonotary, and the seal of the court annexed ; together with the certificate of the chief justice, or one or more of the judges, or of the presiding magistrate of every such court, as the case may be, that the person who signed such attestation or certificate was at the time of subscribing it, the clerk or prothonotary of such court. And the said records and judicial proceedings, authenticated as aforesaid, shall have such faith and credit given to them in every court within this territory, as by law or usage they have in the courts of the United States, or of any one of the states whence the said records are or shall be taken : Any thing in this or any other act contained to the contrary notwithstanding.

Records of
state courts,
&c. how to
be admitted
in proof.

AR. ST. CLAIR.

JOHN CLEVES SYMMES.

G. TURNER.

CHAPTER XXI.

An ACT abolishing the Distinction between the Crimes of Murder and petit Treason. Passed at Cincinnati in the county of Hamilton the twenty second day of June in the year of our Lord one thousand seven hundred and ninety one, by his Excellency Arthur St. Clair, Esquire, major general in the service of the United States, and Governour and Commander in Chief of their Territory north-west of the river Ohio, and the honourable John Cleves Symmes and George Turner, Esquires, Judges in and over the same.

Petit treason to be deemed the crime of murder.

WHEREAS it does not appear reasonable any longer to continue the distinction between the crimes of murder and petit treason, *Be it therefore enacted*, That from and after the publication of this act, in the several counties respectively within this territory, in all cases wherein heretofore any person could have been deemed or taken to have committed the crime of petit treason, such person shall be deemed and taken to have committed the crime of murder only and be indicted and prosecuted to final judgment accordingly ; and the same punishment only shall be inflicted as in the case of murder, any thing in this or any other act or law of the land to the contrary notwithstanding.

AR. ST. CLAIR.
JOHN CLEVES SYMMES.
G. TURNER.

C H A P T E R XXII.

An ACT regulating the Enclosures of Grounds. Passed at Cincinnati in the county of Hamilton the twenty ninth day of June in the year of our Lord one thousand seven hundred and ninety one, by his Excellency Arthur St. Clair, Esquire, Major General in the service of the United States, and Governour and Commander in Chief of their Territory north west of the river Ohio, and the Honourable John Cleves Symmes and George Turner, Esquires, Judges in and over the same.

I. **B**F. it enacted, That every wall and wooden fence of enclosure and partition made or hereafter to be made or constructed of stone, brick, boards, rails, palisades, or other materials shall be at least four feet and an half in height above the common surface of the earth, and where the said fences are or shall be made with palisades or with posts and rails, the posts of either fence shall be firmly-fixed in the ground and the palisades be placed not more than three inches apart and where they are or shall be made with timber or rails laid horizontally the pieces of timber and rails composing the first two feet from the earth shall not be placed more than four inches apart, and the second two feet from the earth not more than six inches from each other, nor at greater distance from the earth to the lowermost or bottom rail than three inches, and those used with posts shall be in like manner and at every corner, joint, or angle of any worm fence such angle shall be secured by stakes strongly planted in the earth and surmounted by a piece of timber or a strong rail or rider.

Regulation of walls, fences, &c.

II. And whenever the lands or grounds of two or more persons shall join or lie contiguous and both be under improvement and either of the parties shall think it necessary to run a partition wall or fence, or a dike and ditch between

Partition fences.

proceedings to be had in running partition fences, &c: the same, such party shall cause ten days notice in writing of such intention to be served on the other party if to be found within the county where the grounds lie, or to the legally empowered attorney or agent of the party within such county, who shall thereupon be obliged to make, erect, or put up at the same time a moiety of the whole of such partition, wall, fence, or dike and ditch, and each party while either may think it needful to continue such wall, fence, or dike and ditch, shall always keep his proper half part thereof in good and sufficient repair at his, her or their own cost and charges.

III. And if the party so duly served with notice, or being not to be found within the county, or not having an authorized agent or attorney therein shall refuse or neglect to make or put up his, her, or their moiety of such partition wall, fence, or dike and ditch at any time after the other party shall have completed his own moiety thereof, it shall and may be lawful for the party last mentioned to erect or make the other half of such wall, fence, or dike and ditch, and demand of and receive from the other party the just value and cost of such other half so last erected or made.

IV. And for that purpose two or three lawful men shall be mutually chosen by both the parties, and the persons so chosen and agreeing to serve, shall view that part of the partition, wall, fence, or dike and ditch so last erected or made, and determine the just value thereof according to their best judgment, certifying the same as soon as may be in writing under their hands or the hands of a majority of them, which writing shall be delivered to the party so erecting such wall, fence, or dike and ditch, and entitle him, her, or them to recover of the other

party the full sum of such valuation by action of debt or before any magistrate where the same shall be cognizable. But if either party shall refuse or neglect to choose two or three men for the purpose aforesaid, then such men may be appointed by any justice of the peace required thereto by either of the parties interested, and the determination of a majority of such men shall be binding, and the justices of the peace are hereby severally authorized and required upon every such application being made to them respectively to make such appointment.

proceedings
to be had on
running
partition
fences, &c.

V. Provided always that nothing herein contained shall be construed to compel any person or persons who may be affected by this act, to erect his, her, or their part of any partition, wall, or fence of any other materials than wood, and in such manner and form as such person or persons may think expedient, nor shall any party interested in a partition wall, fence, or dike and ditch be entitled to demand and receive of the other party, any higher or greater cost or valuation for erecting, making or repairing such other party's moiety of such enclosure than if the same had been made of posts and rails, except where a wall or dike and ditch did previously form the whole of such line of partition, or where an agreement is made between the parties to build a wall or make a dike and ditch; any thing in this act contained to the contrary in any wise notwithstanding.

VI. *And provided also,* That nothing herein contained shall be deemed or taken to prevent any person or party from placing his, her, or their line of enclosure on the partition line side within his, her, or their own ground, at his, her, or their own proper expense, to be

proceedings
to be had
concerning
partition
issues, &c.

made and kept in repair, in which case such person or party shall in consequence be exempt from defraying any part of the cost of erecting or supporting a line of enclosure upon the real partition line lying next between the same.

VII. *Provided*, That where the owners or occupiers of adjoining ground having a partition enclosure thereon, shall cease to occupy his, her, or their lands or grounds, either by pasture, mowing, or tillage, and chuse to leave it open and common to cattle, it shall not be lawful for him, her, or them to remove any part of the said partition enclosure, be the same made of whatsoever materials without giving three months notice to the owner or occupier of the adjoining grounds or field, that he, she, or they may take measures to guard against inconveniences arising from the removal of such part of the partition line of enclosure; and in consequence of such notice all farther charges for maintaining or repairing the same partition enclosure shall thenceforth cease as to him, her or them giving such notice, until the land shall again be taken into use or put under culture.

cattle break
ing into en-
losures,

VIII. *And be it further enacted*, That if any horses, mares, or neat cattle, hogs, sheep, lambs, or goats, or any one of them shall break into any ground being surrounded with a lawful line of enclosure as aforesaid, the owner or owners of every such animal so trespassing, shall be liable and make reparation to the party injured, for the true value of the damages, he, she, or they may have sustained in consequence thereof.

IX. *And be it further enacted*, That the justices of the court of general quarter sessions of the peace in each and every county and

district, shall at their respective sessions, once in every year, appoint three discreet and lawful men appraisers of damages and viewers of enclosures in and for every township in each and every county, whose duty it shall be to serve as appraisers of damages and viewers of enclosures for one year, commencing from the time of such appointment.

appraisers of
damages
to be ap-
pointed by
the court of
general ses-
sions;

X. And every person so appointed an appraiser of damages or viewer of enclosures, shall thereupon take the following oath (or affirmation if he be conscientiously scrupulous of taking an oath) to be administered in open court or by any magistrate acting in the commission of the peace (that is to say) “ I, A. B. do solemnly swear that I will to the best of my abilities faithfully and impartially execute the office of an appraiser of damages and viewer of enclosures for the time assigned me according to the laws that are or hereafter may be in force for regulating the duties of appraisers of damages and viewers of enclosures within this territory, so help me God.” And in all cases where any person shall declare that he conscientiously scruples to take an oath, an affirmation shall in like manner be administered instead of the foregoing oath, but in the same words, except where the word “swear” occurs, the words “sincerely and truly declare and affirm” shall be used instead thereof, and the words “I will” instead of “so help me God.”

to take oath,

XI. And upon complaint being made by any citizen or inhabitant to the said appraisers of any trespass being committed by all or any of the animals herein before enumerated in any township for which they may be appointed, the said appraisers shall forthwith repair to the place where such trespass shall be commit-

duty of ap-
praisers.

Duty of appraisers of damages,

ted and estimate the true damages sustained thereby, the said appraisers at the same time discharging the duty of viewers of enclosures by taking notice whether that part of the enclosure around such field or ground, and through, under, or over which part such trespassing animal or animals did break, creep or leap, was immediately previous to the commission of the trespass good and sufficient according to the intent and meaning of this act. And if the same shall appear to have been a good lawful and sufficient line or lines of enclosure, then and in that case reasonable damages shall be allowed to the party complaining, to be recovered with costs of suit and costs of view of the person or persons owning or claiming the animal or animals committing such trespass.

XII. *And be it further enacted,* That on every view to be made in pursuance of this act, the appraisers making such view or any two of them shall at the time of such view make out and subscribe a fair and impartial estimate or valuation founded on their best knowledge and judgment, of the damages sustained, together with the costs of view, and deliver the same in writing under their hands, to the party injured, which shall be good and sufficient evidence in any court of law or before any magistrate, as the case may be, for the recovery of the damages and costs of view together with costs of suit.

their fees.

XIII. And it shall and may be lawful for each and every of the said appraisers to demand and receive of the party complaining, for each and every view they shall make in pursuance of this act, the sum of thirty three cents, and also six cents for every mile beyond one they shall ride or walk in going to the particular place of view.

XIV. Saving always nevertheless to the French inhabitants of Kaskaskias, La Prairie du Rocher, St. Philips, Cahokia and Vincennes, and to all persons claiming under them their several rights and customs respecting the fencing and enclosing their lands in common as far as the same are reserved and confirmed by the constitution of this territory or any act of the United States, any thing in this act to the contrary thereof notwithstanding.

Rights of
Kaskaskias,
&c. pre-
served.

XV. Provided always, that nothing herein contained shall be deemed, construed or taken to hinder or prevent the said French inhabitants or any of them, or any person claiming or holding under them or any of them, to enclose under a distinct and separate fence, the whole or any part of the land which he, she or they may respectively own, possess or occupy, though the same be part of those lands which have usually been included under one common fence.

XVI. And lastly, *Be it enacted*, That where any animal shall trespass according to the true construction of this act, and no owner shall appear within the space of twenty-four hours to claim the same, some person in possession of the land or ground so trespassed upon, shall at the end of that time, drive or cause to be driven every such trespassing animal to the clerk of the township wherein the trespass was committed, and the said clerk is hereby required to advertize the same in some public place within his township for three successive days, and if at the expiration thereof no owner shall appear as aforesaid and discharge all damages and costs, the said clerk shall proceed to sell for ready money such animal, or if more animals than one, so many of them as shall raise a sum

proceedings
on non ap-
pearance of
owners of
trespassing
cattle after
24 hours.

sufficient to discharge the adjudged amount of damages, together with costs of view and of sales, or as far as the same will apply, which damages and costs of view to be ascertained as in cases of trespass is herein before directed.

AR. ST. CLAIR.

JOHN CLEVES SYMMES.

G. TURNER.

CHAPTER XXIII.

An ACT to alter and amend the Militia Laws. Passed at Cincinnati, in the county of Hamilton, the second day of July, in the year of our Lord one thousand seven hundred and ninety one, by his Excellency Arthur St. Clair, Esquire, Major-General in the service of the United States, and Governor and Commander in Chief of their Territory north-west of the River Ohio, and the Honourable John Cleves Symmes and George Turner, Esquires, Judges in and over the same.

Captains or
subalterns
to assemble
militia, &c.
once a
week.

WHEREAS the militia laws of this territory are found to need some amendment as well with regard to the days of mustering as with respect to the levying of fines for repeated acts of disobedience:

Sec. 1. *Be it therefore enacted,* That the captain of each company of militia in this territory, or in his absence the next senior subaltern officer present, shall order the commissioned officers, non-commissioned officers and privates under his command to assemble at some convenient place of parade within the township or village in or near which such company may reside, on the last day of every week in the year, and there diligently exercise the company for the space of two hours, examining their arms, ammunition and accoutrements as by law directed, and on any and every deficiency by him found he shall inflict the fine or fines appointed by law to be inflicted for such default.

Sec. 2. *And be it enacted*, That whenever persons enrolled in the militia of this territory shall assemble at any place for public worship, every such person shall arm and equip himself according to law in the same manner as if he were marching to engage the enemy, and on default he shall be fined as the law directs in cases of default when ordered for guard or other ordinary military duty, one half of which fine shall be for the benefit and use of the informant, and the other half for the use of the county ; and the justices of the peace in each and every of the counties shall have jurisdiction herein. And on complaint being made on oath to any one of the aforesaid justices of the peace, of any person belonging to the militia appearing at such place of worship without his arms, ammunition and accoutrements or any article of them directed by law, such justice of the peace shall issue his warrant directed to one of the constables of the county, commanding him to levy such fine upon the goods and chattels of such defaulter, and the same goods and chattels the constable shall advertize in some public place of the township or village for the space of five days, and if such fine be not paid within the five days, such constable shall proceed to sell so much of the same effects at public vendue, for ready money, as will answer and pay the fine, and also fifty cents costs, which costs shall be one third to the use of the justice of the peace, and two thirds thereof to the use of the constable, and the constable shall return the overplus (if any) to the defaulter.

on assembling for public worship to be equipped,

proceedings to be had on neglect thereof;

Sec. 3. *And be it also enacted*, That whenever a company of militia shall be assembled, according to this act, on the last day of the week for exercise as aforesaid, such duty being discharged on that day, shall supersede the necessity of the same company's meeting on the first

a company assembling on Saturday exempt therefrom on Sunday, &c.

day of the week, unless they do it voluntarily for worship, and they shall arm and equip themselves as aforesaid. So also whenever a company of militia shall be assembled on the first day of the week for exercise as aforesaid, such duty being discharged on that day, shall supersede the necessity of the same company's meeting on the last day of the week.

Power of militia captains or subalterns herein.

Sec. 4. *Be it further enacted*, That the captain of each and every company of militia, or in his absence the oldest subaltern officer of the company present shall in case of any act of disobedience or neglect in any non commissioned officer or private, and as often as such act of disobedience or neglect shall occur or be repeated, issue his warrant of distress for the fine ascertained by law, to one of the sergeants of the company, commanding him to levy on the goods and chattels of such defaulter, and the same goods and chattels advertize in some public place of the township or village for the space of five days, and if such fine be not paid within the five days, such sergeant shall proceed to sell so much of the same effects at public vendue to the highest bidder for ready money as will answer and pay the fine, and thirty three cents costs for the use of the sergeant, returning the overplus if any to the party who owned the property so distrained, and the sergeant shall pay the fine so levied as soon as may be into the hands of the captain or senior subaltern officer present, as the case may be, who shall apply the same as by law is or shall be directed; any thing in this or any other act or law contained to the contrary notwithstanding.

AR. ST. CLAIR.

JOHN CLEVES SYMMES.

G. TURNER.

WINTIKROP SARGENT, *Secretary*.

C O N T E N T S.

Page.

A LAW for regulating and establishing the militia in the territory of the United States north-west of the river Ohio - - -	3
A Law for establishing general courts of quarter sessions of the peace (and therein of the powers of single justices), and for establishing county courts of common pleas, (and therein of the power of single judges to hear and determine upon small debts and contracts), and also a law for establishing the office of sheriff, and for the appointment of sheriffs - - -	7
A Law establishing a court of probate - - -	13
A Law fixing the terms of the general court - - -	15
A Law respecting oaths of office - - -	16
A Law respecting crimes and punishments - - -	17
A Law regulating marriages - - -	28
A Law in addition to a law, entitled, a law for regulating and establishing the militia, &c. - - -	30
A Law appointing coroners - - -	32
A Law limiting the times of commencing civil actions and instituting criminal prosecutions - - -	33
An Act to prohibit the giving or selling intoxicating liquors to Indians, and for preventing foreigners from trading with them - - -	34
An Act prohibiting the sale of spiritous and other intoxicating liquors to soldiers, and to prevent the selling or pawning of arms, &c. - - -	36
An Act for suppressing and prohibiting every species of gaming for money, &c. and for making void all contracts and payments in consequence thereof, and also for restraining the disorderly practice of discharging fire-arms at certain hours and places - - -	38
An Act to alter the terms of the general court - - -	44

C O N T E N T S.

Page.

An Act to augment the terms of the county courts of common pleas from two to four terms in the year, and to increase the number of judges of the said court, and also of the justices of the quorum in the several counties - -	45
An Act to authorize and require the courts of general sessions of the peace, to divide the counties into townships, and to alter the boundaries of the same when necessary; and also to appoint constables, overseers of the poor, and clerks of the townships, &c. - - -	47
An Act supplementary to a law, entitled, "A law respecting crimes and punishments" -	52
An Act for the punishment of persons tearing or defacing publications set up by authority -	53
An Act creating the office of clerk of the legislature - - - - -	55
An Act for rendering authentic as evidence in the courts of this territory, the public acts, records, and judicial proceedings in the courts of the United States - - - - -	57
An Act abolishing the distinction between the crimes of murder and petit treason - -	58
An Act regulating the enclosures of grounds	59
An Act to alter and amend the militia laws	66

1000 9

211A

EX LIBRIS



GIFT OF
MARY JYCKSCH

