L A W S

PASSED IN THE

TERRITORY

OF THE

UNITED STATES

NORTH-WEST

OF THE

RIVER OHIO,

FROM THE

COMMENCEMENT OF THE COVERNMENT

TO THE

31ſt. OF DECEMBER, 1791.

Published by Authority

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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. before the governor.

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

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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.

Manſlaughter.

Manſlaughter. 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,

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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.

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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

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thereof, ſhall moreover ſuffer as in the ſecond inſtance of burglary. And in caſe any perſon or perſons robbing or attempting to rob, as aforeſaid, 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 aforeſaid, 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 aforeſaid, 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 aſſembles, &c.

Whenever three or more perſons ſhall be aſſembled as aforeſaid, and proceeding to commit any of the offences aforeſaid, 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 duty herein.

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Judges duty on unlawful aſſemblies, &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 obſtructing 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-

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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-

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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 puniſhed.

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.

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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.

Forgery, what caſes deemed;

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.

how puniſhed.

Uſurpation.

Uſurpation, what caſes deemed; how fined.

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.

Aſſault and Battery.

Aſſault and battery, what caſes deemed;

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

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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.

Drunkenneſs.

Drunkenneſs, how fined. If any perſon ſhall be convicted of drunkenneſs 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,

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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.

Improper & profane language forbidden, &c.

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.

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

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