

THE
STATUTES OF OHIO

AND OF THE
NORTHWESTERN TERRITORY,

ADOPTED OR ENACTED
FROM 1788 TO 1833 INCLUSIVE:

TOGETHER WITH
THE ORDINANCE OF 1787;
THE CONSTITUTIONS OF OHIO AND OF THE UNITED STATES,
AND VARIOUS PUBLIC INSTRUMENTS AND ACTS OF CONGRESS:

ILLUSTRATED BY
A PRELIMINARY SKETCH OF THE HISTORY OF OHIO;
NUMEROUS REFERENCES AND NOTES,
AND COPIOUS INDEXES.

VOLUME I.

EDITED
BY SALMON P. CHASE.

CINCINNATI:
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1833.

ACTS OF THE FIFTH GENERAL ASSEMBLY OF THE STATE OF OHIO:

*Passed at the first session, which was held at Chillicothe, and commenced
on Monday, December 1, 1806:*

THOMAS KIRKER, speaker of the senate: ABRAHAM SHEPHERD, speaker of the house of
representatives.

Amended, O.
L. c. 161.
Repealed, O.
L. c. 178, § 48.
Persons liable
to do military
duty; to be
enrolled by
commanding
officers of com-
panies; militia,
how to be arm-
ed; field offi-
cers, how to be
armed; arms,
&c. exempt
from all seiz-
ures.

CHAP. CXXXIV.—An act for disciplining the militia.

§ 1. *Be it enacted, &c.* That each and every free, able-bodied white male citizen of this state, who is or shall be of the age of eighteen, and under the age of forty-five years, except as hereinafter excepted, shall severally and respectively be enrolled in the militia, by the captain or commanding officer, within whose bounds such citizen shall reside, within twenty days next after such residence, and it shall, at all times hereafter, be the duty of such captain or commanding officer of such company, to enrol every such citizen as aforesaid, and also, those who may, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty-five years, except as is hereinafter excepted, shall come to reside within his bounds; and [he] shall without delay notify such citizen of the said enrolment, by a non-commissioned officer of the company, by whom such notice may be proven, and every citizen so enrolled and notified, shall within twelve months thereafter, provide himself with a good musket or fusee, a sufficient bayonet and belt, a knapsack and two spare flints, a pouch with a box therein, to contain not less than twenty-four cartridges suited to the bore of his musket, or fusee, each cartridge to contain a proper quantity of powder and ball; or a good rifle, knapsack, pouch and powder-horn, with twenty-four balls, suited to the bore of his rifle, and a quarter of a pound of powder; and every enrolled person shall so appear armed, accoutred and provided when called into actual service, except when called out to exercise only, he may appear without knapsack or ammunition; the field officer shall be armed with a sword or hanger, and platoon officers with a sword or hanger, or espartoon, and every citizen so enrolled, and providing himself with arms, ammunition and accoutrements required as aforesaid, shall hold the same exempt from all suits, distresses, executions or sale for debt, damages, or the payment of taxes.

Persons exempt
from military
duty.

§ 2. That all ministers of the gospel licensed to preach according to the rules of their sect; all judges of the supreme court and courts of common pleas; all keepers of jails, and custom-house officers with their clerks; all post officers and stage drivers who are employed in the care and conveyance of the mail of the post-office of the United States; all ferrymen employed at any ferry on the post-road, shall be and they are hereby exempted from militia duty.

The state divi-
ded into four
divisions.

§ 3. That the state shall consist of four divisions, in the following manner, viz: The counties of Hamilton, Clermont, Warren, Greene, Montgomery, Miami, Champaign and Butler, shall compose one division, and be called the first division; the counties of Adams, Scioto, Ross, Franklin and Highland, shall compose one division, and be called the second division; the counties of Fairfield, Gallia, Athens, Muskingum, Washington and Belmont, shall compose one division, and be called the third division; and the counties of Jefferson, Columbiana, Trumbull and Geauga, shall compose one division, and be called the fourth division. Each division shall be divided into brigades, to

bill, shall deliver the same to the joint committee of enrolments, and the said committee shall deposit the same from time to time, as they shall receive them, with the secretary of state, and make report thereof to their respective houses.

3. *Resolved*, That the joint committee appointed to examine the books and vouchers of the auditor and treasurer of state, be instructed to take such measures as they may think proper for balancing the accounts of the auditor and treasurer, and defacing all the auditor's bills which have been received or redeemed by the treasurer, and now in his possession, and report their proceedings thereon to their respective houses.

4. *Resolved*, That two members be appointed on the part of the senate, and two on the part of the house of representatives, to act as a joint committee for the purpose of examining the books of the collector of the Virginia military district, and report to their respective houses the amount due to the state (if any) on the redemption of lands sold in said district, for the tax of the years eighteen hundred and two and eighteen hundred and three.

The other resolutions related to the distribution of the laws and journals; the appointment of commissioners for roads and to fix county seats; the printing of the general assembly; the disposition of certain furniture, and the day of adjournment.