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Laws of the Territory of Illinois
1809-1811

Edited by

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admission and practice of attorneys and counsellors at law," passed by the General Assembly of the Indiana Territory on the seventeenth day of September, in the year eighteen hundred and seven, as prohibits the judges of any other Territory or State from practising law in this Territory;

And also the fourth section of an act, entitled, "An act concerning the introduction of negroes and mulattoes into the Territory," passed by the said General Assembly on the seventeenth day of September, in the year eighteen hundred and seven, be, and are, hereby repealed.

The foregoing is hereby declared to be a law of the Territory, and to take effect accordingly from the date thereof.

In testimony whereof, we, Ninian Edwards, Governor, and Jesse B. Thomas and Alexander Stuart, Judges, have hereunto set our hands, at Kaskaskia, the thirteenth day of March, in the year of our Lord eighteen hundred and seven, and of the Independence of the United States the thirty-fourth.

A true copy, attest,
WILLIAM ARUNDEL, Clerk.

NINIAN EDWARDS,
JESSE B. THOMAS,
ALEX. STUART.

AN ACT to suppress duelling. Adopted from the Virginia Code.

WHEREAS, experience has evinced that the existing remedy for the suppression of the barbarous custom of duelling is inadequate to the purpose, and the progress and consequences of the evil have become so destructive as to require an effort on the part of the Legislature to arrest a vice, the result of ignorance and barbarism, justified neither by the precepts of morality nor by the dictates of reason, for remedy whereof:

Be it enacted by the Acting Governor and Judges of the Illinois Territory, and it is hereby enacted by the authority of the same: That any person who shall hereafter wilfully and maliciously, or by previous agreement, fight a duel or single combat with any engine, instrument or weapon, the probable consequence of which might be death of either party, and in so doing shall kill his antagonist, or any other person or persons, or inflict such as that the person injured shall die thereof within three months thereafter, such offender, his aids, abettors and counsellors being thereof duly convicted, shall be guilty of murder and suffer death by being hanged by the neck, any law, custom or usage of this Territory to the contrary notwithstanding.

And be it further enacted: That if any person whatsoever shall challenge another to fight a duel with any weapon or in any manner whatsoever, the probable issue of which may, or might, result in the death of the challenger or challenged: or if any person shall accept a challenge, or fight a duel with any weapon, or in any way whatsoever, the probable issue of which may, or might, terminate in the death of the challenger or challenged, such person shall be incapable of holding, or being elected to, any post of profit, trust or emolument, civil or military, under the government of this Territory.

And be it [further] enacted: That from and after the passing of this act, every person, who shall be appointed to any office or place, civil or military, in this Territory, shall in addition to the oath now

prescribed by law, take the following oath: "I do solemnly swear, or affirm, (as the case may be) that I have not been engaged in a duel by sending or accepting a challenge to fight a duel, or by fighting a duel, or in any other manner in violation of the act, entitled, "An act to suppress duelling" (since the passage of that act), nor will I be so concerned directly or indirectly in such duel during my continuance in office, so help me God."

And be it further enacted: That it shall be the duty of the presiding judge of the general court at each session of the court to give in charge expressly to the jury this law, and also to charge the jury to present all persons concerned in carrying, sending or accepting a challenge.

And be it further enacted: That when any judge or magistrate of this Territory has good cause to suspect any person, or persons, are about to be engaged in a duel, he may issue his warrant to bring the parties before him; and if he shall think proper, to take of them a recognizance to keep the peace. He shall insert in the condition, that the party, or parties, shall not during the time for which they were bound, directly or indirectly be concerned in a duel, either with the person suspected or any other person, within the time limited by the recognizance.

And be it further enacted: That if any person, or persons, shall, for the purpose of eluding the operation of the provisions of this law, leave the Territory, the person, or persons, so offending shall be deemed as guilty and be subject to the like penalties as if the offence had been committed within this Territory. If any person shall leave this Territory with the intention of giving or receiving a challenge to fight a duel, or of aiding or abetting in giving or receiving such challenge, and a duel shall actually be fought, whereby the death of any person shall happen, and the person so leaving the Territory shall remain thereout, so as to prevent his apprehension for the purpose of a trial; or if any person shall fight a duel in this Territory, or aid or abet therein, whereby any person shall be killed, and then flee into another State or Territory to avoid his trial, in either case it shall be the duty of the Executive, and they are hereby directed to adopt and pursue all legal steps, to cause any such offender to be apprehended and brought to trial in the county where the offence was committed, when the duel shall have been fought within the Territory; and, when it shall have been fought without the Territory, then in that county where, in the opinion of the executive, the evidence against the offender can be best obtained and produced upon his trial.

And be it further enacted: That it shall be the duty of the attorney general of the Territory to give information to the executive, whenever a case shall arise, which shall render the interposition of the executive authority under this act necessary, and the deputies of the attorney general at the first court, which shall be held, in which they are to act as prosecuting attorneys, after they have accepted their appointments, shall take the following oath: "I do solemnly

swear, or affirm, (as the case may be) that I will to the best of my judgment, execute the duty imposed on me by the act for suppressing duelling, so help me God."

And be it further enacted: That all words, which from their usual common construction and acceptation are considered as insults, and lead to violence and breach of the peace, shall hereafter be actionable; and no plea, exception or demurrer shall be sustained in any court within this Territory to preclude a jury from passing thereon, who are hereby declared to be the sole judges of the damage sustained: *Provided,* that nothing herein contained shall be construed to deprive the several courts of this Territory from granting new trials as heretofore.

The foregoing is hereby declared to be a law of the Territory, and to take effect accordingly from the date thereof.

In testimony whereof, we, Nathaniel Pope, Secretary, now Acting Governor, and Jesse B. Thomas and Alexander Stuart, Judges, have hereunto signed our names, at Kaskaskia, the seventh day of April, in the year of our Lord one thousand eight hundred and ten, and of the Independence of the United States the thirty-fourth.

A true copy, attest,
WILLIAM ARUNDEL, Clerk.

NAT. POPE,
J. B. THOMAS,
ALEX. STUART.

A LAW concerning advertisements.

WHEREAS, it is provided by several of the statute laws now in force in this territory, that advertisements should be inserted in some public newspaper published in the Territory for the time and in the manner therein required; and whereas, there is at this time no newspaper printed in this Territory:

Be it therefore enacted by the acting Governor and Judges of the Illinois Territory and it is hereby enacted by the authority of the same: That in all cases, where by law it is required that advertisements should be inserted in some newspaper in the Territory, it shall and may be lawful for all and every person and persons concerned, or whose duty it shall be, to have the said advertisements inserted in some of the newspapers published in the Louisiana Territory, for the times and in the manner required by law, which shall have the same force and effect, as if inserted in a newspaper published in this Territory.

This act shall take effect from the passage thereof, and shall continue in force until a newspaper is established and published in this Territory and no longer.

In testimony whereof, we, Nathaniel Pope, Secretary, now Acting Governor, and Jesse B. Thomas and Alexander Stuart, Judges have hereunto signed our names, at Kaskaskia, the twenty-first day of May, in the year of our Lord one thousand eight hundred and ten, and of the Independence of the United States the thirty-fourth.

A true copy, attest,
WILLIAM ARUNDEL, Clerk.

NAT. POPE,
ALEX. STUART,
J. B. THOMAS.