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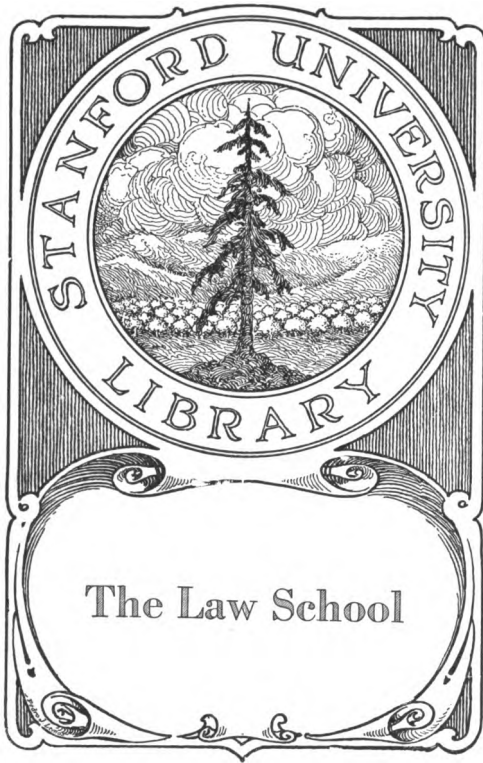
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*Ohio Collectors*

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Be

# ACTS

PASSED AT THE

FIRST SESSION

OF THE

# Fifth General Assembly

OF THE

# STATE OF OHIO

Begun and held at the town of Chillicothe, December 1st,  
1806, and in the fifth year of the said State.

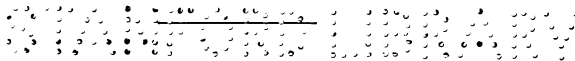
Also, the Constitution of the State  
of Ohio, report of the Auditor  
and Treasurer, Etc.

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VOL. V<sup>1</sup>

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VIAJEROS GOMATE

# LAWS

Passed at the Last Session of the General Assembly of  
the State of Ohio.

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## CHAPTER I.

*An act for disciplining the militia.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* 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 herein after 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 enroll every such citizen as afore-said, 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 shall without delay notify such citizen of the said enrollment 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

Persons liable to do military duty.

To be enrolled by commanding officers of companies



Militia, how  
to be armed.

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

Field officers, how  
to be armed.

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, excutions or sale for debt, damages or the payment of taxes.

Arms, etc.,  
exempt from  
all seizures.

Persons ex-  
empt from  
military  
duty.

Sec. 2. *Be it further enacted*, 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 ferry-men employed at any ferry on the post-road, shall be, and they are hereby exempted from militia duty.

The state di-  
vided into  
four divi-  
sions.

Sec. 3. *Be it further enacted*, That the state shall consist of four divisions, in the following manner, viz: The counties of Hamilton, Clermont, Warren, Green, Montgomery, Miami, Champaign and Butler, shall compose one division, and be called the first division; the counties of Adams, Scioto, Ross, Franklin and Highland,

The first.

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-wit: The counties of Hamilton and Clermont, shall form one brigade; the counties of Butler and Warren, shall form one brigade; the counties of Green, Montgomery, Miami and Champaign, shall form one brigade; the counties of Adams and Scioto, shall form one brigade; the counties of Ross, Franklin and Highland, shall form one brigade; the counties of Fairfield, Athens and Gallia, shall form one brigade; the counties of Washington and Muskingum, shall form one brigade; the county of Belmont, shall form one brigade; the counties of Jefferson and Columbiana, shall form one brigade; the counties of Trumbull and Geauga, shall form one brigade; each division, brigade and regiment, shall be numbered, and a record of such numbers made in the adjutant general's office; and when in the field or in the service of the state, each division brigade or regiment shall respectively take rank according to their numbers, reckoning the first or lowest number highest in rank; each division shall consist of not less than two nor more than four brigades; each brigade of not less than two nor more than six regiments; each regiment of two battalions; each battalion of not less than four nor more than eight companies, and each company shall consist of sixty-four privates: *Provided always*, That if local circumstances should require it, a company may be formed of forty, or extended to eighty rank and file.

The second.

The third.

The fourth.

Each division into brigades.

Each division, brigade and regiment to be numbered.

And to rank accordingly.

Division, brigade, etc., what to consist of.

Proviso.

Sec. 4. *Be it further enacted*, That the militia

The militia,  
how off-  
cered.

of this state shall be officered as follows, viz.: To each division there shall be one major general, who shall be allowed two aids-de-camp with the rank of major to each brigade; one brigadier general, with one brigade inspector, to serve as brigade major, with the rank of major, to be appointed by the brigadier general; to each regiment, one lieutenant colonel commandant; to each battalion, one major, and to each company one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer and one fifer; the regimental staff shall consist of one adjutant, one clerk, one quartermaster, one paymaster, one surgeon, one surgeon's mate, one sergeant major, one quartermaster sergeant, one drum major and one fife major.

Vacancies in  
the militia  
below the  
rank of ma-  
jor, how  
filled.

Sec. 5. *Be it further enacted*, That when any new company is set off or any vacancy shall happen in any company already set off, the major or commanding officer of the battalion to which such new company or vacancy belongs, shall report the same to his brigadier general, who shall, within twenty days after receiving such report, give notice to the electors of such company by written notifications, set up in three public places within such company district, at least ten days previous to the day of election, directing them to meet at a certain time and place, as near the center of such company as may appear convenient, stating the officers to be elected, and for what station, and the qualified electors within such company district, shall meet at the time and place pointed out in such notice, and shall proceed *viva voce* to elect three judges and one clerk, by a plurality of the votes present. Any one of the persons elected judges, shall administer to the other two judges and clerk, and either of the other judges to him, the following oath or affirmation, viz.: "You do solemnly swear or affirm (as the

case may be) that you will faithfully and impartially receive, count and make return of the votes legally given, for a captain, lieutenant or ensign (as the case may be) in the militia, for the district in which you are appointed judge;" and the judges shall proceed to receive the ballots from the qualified electors of such district until four o'clock of said day and no longer. The clerk shall write down the name of each elector in a book prepared for that purpose, and at the close of the election, the judges and clerk shall count the ballots and compare them with the poll-book, and the person having the highest number of votes shall be declared duly elected to the people present, and shall certify under their hands and seals to the brigadier general forthwith, the name of the person or persons elected, to each their proper title of captain, lieutenant or ensign: *Provided*, Proviso. That when any company in this state shall neglect or refuse to meet and elect their officers agreeable to the provisions of this act, such company may be attached to the next company adjourning, by the next court of enquiry.

Sec. 6. *Be it further enacted*, That when the office of major shall become vacant, or a new battalion set off, the lieutenant colonel or commanding officer of the regiment shall report the same to his brigadier general, who shall forthwith notify the commissioned officers of such battalion, by written notice, set up in at least two of the most public places in each company district of such battalion, giving ten days notice previous to the day of election, directing them to meet at a certain time and place specified in said notice, for the purpose of electing a major for said battalion; at which election the lieutenant colonel or commanding officer of the regiment shall attend in person, and when met, shall take to his assistance two persons having the qualifications of electors,

When the office of major becomes vacant, duty of the colonel, etc.

who shall take the oath or affirmation, pointed out in the fifth section of this act, which oath or affirmation, the lieutenant colonel or commanding officer of the regiment is hereby authorized to administer, and the lieutenant colonel and the judges aforesaid, shall proceed to receive the ballots till four o'clock of said day and no longer, and at the close of the election, shall count the ballots, and the person having the highest number of votes shall be declared duly elected, and the lieutenant colonel or commanding officer and judges aforesaid, shall certify under their hands and seals to the brigadier general or commanding officer of brigade, the name of the persons thus elected, who shall return the same to the governor, receive and transmit to him his commission.

When the office of lieutenant colonel becomes vacant, etc., the duty of the brigadier general.

Sec. 7. *Be it further enacted,* That when the office of lieutenant colonel shall be vacant, or a new regiment set off, the brigadier general or commanding officer of brigade, shall cause an election to be held in each battalion, agreeable to the provisions of the sixth section of this act; at which election he shall attend in person, and perform the duties required of lieutenant colonel, in the case of the election of major, and shall return to the governor the name of the person having the highest number of votes, receive and transmit to him his commission; and when the office of general of brigade shall become vacant, or a new brigade shall be set off, the majors general shall cause an election to be held in each regiment, as is directed in the sixth section of this act; at which election the major general shall attend in person, and perform the same duties required of brigadier general in case of the election of lieutenant colonel, and shall return to the governor the name of the person having the highest number of votes, who shall receive the same, and transmit to him a commission for the person elected.

When the office of general of brigade, etc., becomes vacant, the duty of the major general.

Sec. 9. *Be it further enacted*, That all officers elected under this act, or who now hold a commission in the militia within this state, shall take rank from the date of their commissions, and shall serve for the term of five years from the date thereof, if they so long behave well; and if any commissioned officer shall equip himself as directed by this act, and serve as a commissioned officer for the term aforesaid, he shall thereafter, in time of peace, be exonerated from the ranks: *Provided*, he furnish himself with the arms and accoutrements required by the first section of this act, in case of a militiaman.

Officers to take rank from the date of their commissions.

To serve five years.

Afterwards exonerated from the ranks, etc.

Proviso.

Sec. 10. *Be it further enacted*, That when any person may be desirous of being excused from attending and bearing arms at any muster of the militia, he may be entitled to receive a certificate from the commanding officer of the regiment, exempting such person from militia duty, in time of peace: *Provided*, That such person applying for such certificate, shall annually produce to such officer, a receipt from the paymaster of the regiment, purporting that the applicant hath paid for the use of the regiment, the sum of three dollars; but if he shall not produce such certificate as before required, the commanding officer shall cause the same to be collected in the same manner as fines of the militia in other cases: *Provided also*, That when distress and sale of property is made to satisfy the fine incurred by this section, and the person from whom the same is due, refuses to accept of the overplus, if any, it shall be paid by the officer collecting the same, to the paymaster of the regiment, and there remain as a credit to the person from whom it was collected, until expended at the rate aforesaid.

Persons wishing to be excused from bearing arms, may obtain a certificate, etc.

Proviso.

Proviso, when distress and sales of property is made.

Sec. 11. *Be it further enacted*, That whenever

When nec-

essary to  
create new  
or alter old  
districts.

it shall become necessary from an increase of population or other circumstances, to create new or alter old regimental districts, the officers of the brigade to which such regiments belong, or a majority of them in which the bounds are to be altered, shall meet under the direction of the brigadier general who shall attend such meeting, and shall make such alterations, or create new districts, as shall be thought necessary. In like manner the commissioned officers of any regiment, or a majority of them, shall have power to alter the old, or create new battalion or company districts within their regiment, and shall meet under the direction of the lieutenant colonel for that purpose, who shall attend such meeting in person in the district created or altered from time to time, it shall be recorded by the clerks of the regiment.

Manner  
thereof.

Districts cre-  
ated or al-  
tered to be  
recorded.

Sec. 12. *Be it further enacted,* That the captains and subalterns of artillery and cavalry, shall be elected by the persons enrolled in their respective corps, under the direction of the commanding officer to whose regiment they may be attached.

The manner  
of electing  
officers of  
artillery and  
cavalry.

One com-  
pany of ar-  
tillery or  
troop of  
horse to be  
attached to  
each regi-  
ment, etc.

Sec. 13. *Be it further enacted,* That there shall be one company of artillery or troop of horse attached to each regiment, when in the opinion of the lieutenant colonel, either of the said companies can with convenience be raised within such regiment, and one company of light infantry, grenadiers or riflemen annexed to each battalion, to be raised by voluntary enrollment in manner as shall be directed by the lieutenant colonel or commanding officer of the regiment, when the same can be raised without reducing the district companies below the number of forty-five privates, to be composed of young men between the age of sixteen and forty years, to be raised and officered

To be raised  
by voluntary  
enlistment.

And com-  
posed of

in such manner as shall be directed by the commanding officer of said regiment, who shall direct an election to be held, at which he shall attend, and cause the same to be conducted agreeable to this act, and shall return the names of the officers so elected forthwith to the governor, who shall commission them accordingly. And the said companies when raised, shall wear while on parade, such uniform as may be agreed upon by a majority of the company; and the officers when commissioned and qualified, shall proceed to appoint their non-commissioned officers, and from time to time, may fill any vacancies which may happen in their companies: *Provided*, it shall not reduce the district companies in said battalion below the number aforesaid. And when any captain of artillery, troop of horse, infantry, grenadiers or riflemen, shall enter any person out of any company, he shall forthwith notify the commanding officer of the company, from which such person was enrolled in writing; and if it shall be made to appear, that such company was reduced below the number aforesaid, he may be ordered back to join the company from which he was enrolled. The said company shall, in all respects, be subject to the same regulations and orders as the rest of the militia, except as hereinafter excepted.

Sec. 14. *Be it further enacted*, That to every company of artillery, there shall be one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombadiers, one drummer and one fifer, and not less than twenty, nor more than thirty matrosses. The non-commissioned officers shall be armed with a sword or hanger, and each private or matross, shall be armed with a fusee, bayonet and belt, with a cartridge box, to contain twenty-four cartridges. And to each troop of horse there shall be one captain, two lieutenants, one coronet, four sergeants, four corpo-

young men between the age of sixteen and forty.

How officered.

The uniform to be agreed on by a majority of the company.

Proviso.

Company of artillery, how officered and armed.

Troop of horse, how officered and armed.



rals, one saddler, one farrier, one trumpeter, and not less than thirty nor more than sixty privates. The commissioned officers shall furnish themselves with good horses, saddles and holsters, and shall be armed with a sword and pair of pistols, and each dragoon shall provide himself with a serviceable horse, a good saddle and holsters, bridle, male pillion, and valas, a breast plate and crupper, a pair of boots and spurs, and armed with a sabre, a pair of pistols, and a cartridge box, to contain twelve cartridges for pistols; each company of artillery and troop of horse shall be formed of volunteers, from the regiment, to be enrolled by three persons nominated for that purpose, by the colonel of said regiment, and wherever there shall be thirty-five enrolled, they shall meet at a time and place designated by the lieutenant colonel, which shall by him, be advertised in at least six of the most public places within his regiment, at which time and place he shall attend, and the persons enrolled shall, then and there proceed to elect, according to the provisions of this act, their captains and subalterns, from the number enrolled, and shall be uniformly clothed in regimentals, the color and fashion to be determined by the persons enrolled. The officers when commissioned and qualified, shall appoint their non-commissioned officers.

Persons enrolled to meet and elect their officers.

No infantry, grenadier or rifle company to be formed of less than thirty privates, etc.

Sec. 15. *Be it further enacted*, That no light infantry, grenadier or rifle company, shall be formed of a less number than thirty privates; that the commanding officer may notify his company while on parade, of the day and place of the next company muster, or training, and such notice shall supersede the necessity of any further notice.

Qualifications necessary-

Sec. 16. *Be it further enacted*, That no person shall be eligible to a command in the militia, who

is not a citizen of the United States, and has not resided within the proper county the time prescribed by the twenty-seventh section of the first article of the constitution of this state. And every officer commissioned by virtue of this act, shall, previous to entering on execution of his respective office, take the oath to support the constitution of the United States and of this state, and also take an oath of office, a certificate of which shall be endorsed on the back of the commission, by the person administering the same.

ry to a command.

Officers to take an oath to support the constitution of the United States, etc., have the same endorsed, etc.

Sec. 17. *Be it further enacted,* That each battalion and regiment shall be provided with regimental standards by the field officers, with the number of the regiment inscribed on the same, and each company with regimental colors, with the number of the company in such regiment endorsed thereon; a drum and fife, or bugle horn, by the commissioned officers of the company, in such manner as shall hereinafter be directed.

Regimental standards and colors to be provided

Sec. 18. *Be it further enacted,* That the adjutant general shall distribute all orders from the commander in chief to the several corps; attend all public reviews when the commander in chief shall review the militia, or any part thereof; obey any orders from him, relative to carrying into execution and perfecting the system of military discipline established by this act; furnish blank forms of the different returns that may be required, and explain the principles on which they shall be made, to corps throughout the state: All which the several officers of divisions, brigades, regiments and battalions, are hereby required to make in the usual manner, so that the said adjutant general may be duly furnished therewith; from all of which returns he shall make proper abstracts, and lay the same annually before the commander in

Adjutant general's duty.

chief of the state. *Provided always,* That the adjutant general shall be inspector general.

Quartermaster general and of brigade, how appointed.

Sec. 19. *Be it further enacted,* That there shall be one quartermaster general in each division in the state; and in each brigade there shall be one quartermaster of brigade appointed by the brigadier general.

Brigade inspector's duty.

Sec. 20. *Be it further enacted,* That it shall be the duty of the brigade inspector, to attend all musters of officers within his brigade; to exercise and examine them, to note delinquencies, and return the same forthwith to the lieutenant colonel or commanding officer of the regiment to which they belong; to attend the regimental and battalion meetings of the militia composing his brigade, during the time of their being under arms; to inspect their arms, ammunition and accoutrements; superintend their exercise and manoeuvres, and introduce the system of militia discipline pointed out in the twenty-fifth article for the government of the militia, agreeable to law, and such orders as he shall from time to time receive from the commander in chief of the state, or the commander of the brigade for the time being; to make returns to the adjutant general of the state twice in every year—the first on or before the first day of July, and the second on or before the first day of December, of all the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements and ammunition of the several corps, and every other thing which in his judgment may relate to their government, and the general advancement of good order and military discipline.

Officers to meet and exercise, etc.

Sec. 21. *Be it further enacted,* That the commissioned officers of each battalion or regiment, at the discretion of the brigadier general, shall

meet at some convenient place as near as may be in the center of each battalion or regiment, pointed out by the brigadier general, as often as he may think expedient, not exceeding four days in every year, for the purpose of being trained and instructed by the brigade inspector, for the space of four hours each day.

Sec. 22. *Be it further enacted*, That it shall be the duty of the commissioned officers of each company, after the company shall be duly enrolled, to appoint four sergeants giving to each his rank, first, second, third and fourth sergeant, and also four corporals, giving to each his rank, first, second, third and fourth corporal: The captain giving his company notice thereof, and shall thereupon make out his warrants to such non-commissioned officers accordingly, and they are to be obeyed and respected as such.

Commissioned officers of companies to appoint sergeants, etc.

Sec. 23. *Be it further enacted*, That it shall be the duty of the commanding officer of each and every company so enrolled, forthwith to divide his company into divisions by lot, from one to eight, for the purpose of a regular routine of duty when called into actual service, and shall return a roster of such division, with the relative number attached to each class within fifteen days, to the commanding officer of his battalion, who shall forthwith transmit the same to the commandant of the regiment, who shall order the same to be recorded by the clerk thereof.

Captains to make divisions of their companies, etc.

Sec. 24. *Be it further enacted*, That every militiaman removing out of the bounds of one company to another, may apply to the commanding officer of the company he is removing from, who shall give him a discharge, certifying the class to which he belongs, which certificate the said militiaman shall produce to the captain or commanding

Militiamen moving from one company to another to take a certificate, etc.

officer of the company or district in which he shall next settle, within twenty days after his settlement, and the said captain or commanding officer is hereby required to enroll him in the class specified in said certificate; and on failure of any militiaman obtaining a certificate in manner aforesaid, and presenting the same as before directed to the captain or commanding officer of the company to which he shall remove, is hereby required to enroll such delinquents the foremost in the first class for duty, notifying him thereof, and that he must hold himself in readiness to perform any duty by this act required.

**Company  
musters how  
often hold-  
en.**

Sec. 25. *Be it further enacted,* That there shall be private musters of each company of cavalry, artillery, grenadiers, light infantry and riflemen, at least once in every two months, at such time and place as the commandant thereof shall appoint, except in the months of December, January, February and March, in every year; and every other company formed by virtue of this act, at least once in every three months, except as before excepted, to be appointed by the commanding officer thereof, at or as near as may be the center of the company district. There shall be a muster of each battalion in the month of April or May, in every year, which shall be appointed by the commanding officers of the respective regiments, who shall fix on the most suitable place, as near the center as convenience will admit of, and shall direct the evolutions that shall be performed. And there shall be a muster of each regiment in the month of October, in every year, which shall be appointed by the brigadier general or commanding officer of the brigade to which such regiment belongs, at or as near as may be to the center of the regimental district, and shall be under the direction of the brigadier general or commanding officer of the

**Battalion  
musters.**

**Regimental  
musters.**

regiment, which company, battalion and regimental muster, shall continue one day each and no longer: *Provided*, That when in the opinion of the commanding officer of any brigade, a regimental muster cannot be called without great inconvenience to such regiment, such commanding officer may dispense with such muster. Proviso.

Sec. 26. *Be it further enacted*, That the brigadier general or commanding officer of brigades, shall cause notice in writing of the time and place of said muster, to be given to the commanding officers of regiments, at least twenty-five days; the commanding officers of regiments shall give notice of regimental and battalion musters, to the commanding officers of battalions, at least twenty days; the commanding officers of battalions shall give notice of regimental and battalion musters, to the commanding officers of companies, at least fifteen days, and the captains and commanding officers of companies shall give notice of the regimental, battalion and private musters, to the individuals of their respective companies, by themselves or sergeants, at least five days before such regimental, battalion or company muster (as the case may be). The notice to be given by the commanding officers of brigades, regiments and battalions, shall be in writing, and delivered to the person or persons, or left at the usual place of his or their abode, by such commanding officers themselves, or such other officer or officers as they may think fit to order; and the commanding officers of companies shall have power to assign to each sergeant of their respective companies, his due proportion thereof, whose duty it shall be to give the notice before directed, to that proportion of the company to him assigned, which may be done by personal summons, or by leaving a written notice at the usual place of abode of the persons to be notified; Notice of musters, when and how often.

and the commanding officer of each company may notify his company when on parade, of the day and place of the next company muster or training, and such notice shall supersede the necessity of any further notice.

**Hour of muster.** **Of roll called.** **Delinquents noted and returned.** **Names of commissioned officers when called.** **Delinquents noted.** **Form of certificates to accompany returns.**

Sec. 27. *Be it further enacted,* That every officer and soldier shall appear at his respective muster field on the day appointed, by eleven o'clock in the forenoon. And at every muster, each captain or commanding officer of a company, shall direct the first sergeant of his company in his presence, to call the roll at half-past eleven o'clock in the forenoon, examine every person belonging thereto, and note down all delinquencies occurring therein, and make return thereof, as well as the strength of the company, number of rifles, muskets, bayonets, fusees, etc., on parade, to the adjutant or commanding officer of his regiment, within eight days after such regimental or battalion muster (as the case may be). And every commanding officer of a battalion shall, at regimental or battalion musters, at the hour on which the battalion is formed in like manner, to proceed and call the names of the commissioned officers of his battalion, examine and note down all delinquencies and make return thereof, to the commanding officer of the regiment to which he belongs, when on parade, who shall lay the whole before the court hereafter appointed to take cognizance and determine thereon; and to each of the said returns, shall be annexed the following certificate, to-wit: "I — — —, do certify, that the returns hereunto annexed, contain all the delinquencies which have occurred in my company or battalion (as the case may be) since my last return."

**Adjutants to** Sec. 28. *Be it further enacted,* That the commanding officer of each regiment, within twenty

days after the muster of his regiment, or of a battalion of the same, shall cause the adjutant of his regiment to make out a complete return of the same, agreeable to such forms as shall be furnished by the adjutant general, noting particularly the strength and number of arms to the inspector of the brigade.

make returns.

Sec. 29. *Be it further enacted,* That the commissioned officers of the first battalion in each regiment, shall meet on the second Thursday, and the commissioned officers of the second battalion of each regiment, shall meet on the second Tuesday next after each regimental or battalion muster, as near as may be the center of the battalion, to be pointed out by the commanding officer of the regiment, at the battalion or regimental muster, and public notice thereof given to the battalion or battalions whilst on parade, a majority of who shall form a court of enquiry and assessment of fines; and it shall be the duty of the lieutenant colonel commandant to preside at such board; and in case of his absence by sickness or otherwise, the next officer in rank shall preside. The said court shall take the following oath, to be administered by the senior officer present, and afterwards by any other officer of the said board to him, to-wit: "You ———, do solemnly swear or affirm (as the case may be) that you will truly and faithfully enquire into all delinquencies which appear on the returns to be laid before you, and will assess the fines thereon, as shall seem just, without partiality, favor or affection: So help you God." The lieutenant colonel or commanding officer of the said regiment, shall then lay before the court, all delinquencies, as directed by this act, whereupon they shall proceed to hear and determine thereon.

Court of enquiry and assessments of fines how formed.

Form of the oath.

Commanding officer of the regiment to lay delinquencies before the court.

Sec. 30. *Be it further enacted,* That the follow-



**Forfeitures and penalties for neglect of duties by a colonel.**

ing forfeitures and penalties, shall be incurred for delinquencies, to-wit: By a lieutenant colonel or commanding officer of a regiment, for failing to take an oath or affirmation; to direct his adjutant to summons any court or board; to deliver any commission or commissions; to appoint any regimental or battalion muster; to give information of the places of holding courts of enquiries, to attend the same; to report delinquencies; to attend the battalion or regimental muster, or a muster of officers; to appoint the staff officers to his regiment—not less than ten nor more than one hundred dollars. By a major or commanding officer of a battalion, for failing to take an oath to attend any court or board; to give notice of any regimental or battalion muster; to examine and train his battalion; to report delinquencies; to make a return, or to attend a muster of officers, any sum not less than eight nor more than eighty dollars. By a captain or commanding officer of a company (as the case may be) for failing to take an oath to attend any court or board; to enroll his company; to appoint private musters, or give notice of a regimental or battalion muster; to attend any muster armed; to examine and exercise the company, as is by the twenty-fifth article directed for the government of the militia; to call his roll and report delinquencies; to make any return or appoint non-commissioned officers, as directed by this act, any sum not exceeding fifty nor less than five dollars for every such offense. By a subaltern officer failing to take an oath to attend any court or board—to attend any muster, as by this act directed, for every such offense or neglect, any sum not exceeding forty nor less than four dollars. By a non-commissioned officer for failing or neglecting to attend any muster of his company—to take charge of any part of his company, or them march as directed; for every such offense or neglect, any sum not exceeding twenty

**Major.**

**Captain.**

**Subaltern.**

**Non-commissioned officer.**

nor less than two dollars. By a private man for failing or neglecting to attend a regimental or battalion muster, armed and equipped as directed by this act, one dollar—to attend a muster of his company at the time and place appointed, in manner aforesaid, during the whole time the same is on parade, the sum of seventy-five cents—and that the delinquencies in company musters shall be enquired into, assessed and caused to be collected by the officers of their company, subject to an appeal to the next board of officers: *Provided*, That no sale of property for fines shall be made, until after the sitting of the next court of enquiry after such fine or fines have been incurred.

Private.

Delinquencies in company musters, etc. Appeal allowed.

Proviso.

Sec. 31. *Be it further enacted*, That the fathers shall be bound for the payment of the fines incurred by their sons under the age of twenty-one years; guardians for the payment of fines incurred by their wards, and masters for the payment of fines incurred by their apprentices, and be charged by the collectors of fines accordingly.

Fines by persons under twenty-one, by whom payable.

Sec 32. *Be it further enacted*, That any court of enquiry, for good cause shown, may remit fines assessed by the court preceding the same; and in such case it shall be the duty of the clerk to certify the same to the collector of fines or paymaster of the regiment, who shall thereupon not collect such fine or fines, or refund the same if collected.

How fines may be remitted.

Sec. 33. *Be it further enacted*, That all fines and penalties incurred by non-commissioned officers, musicians and privates, to be assessed by virtue of this act, shall be collected by one of the constables of the township, or battalion in which the delinquents are enrolled; and it shall be the duty of the clerk of each regiment to make out a warrant and direct the same to one of the consta-

By whom and in what manner collected from non-commissioned officers, musicians, etc.

bles of the township or battalion, (as the case may be) mentioning the names and amount of the fines assessed and each delinquent, and the muster for which the same was assessed, commanding him forthwith to collect the same; which warrant shall be signed by the president of the court of enquiry, and countersigned by the clerk. And it shall be the further duty of the clerk to deliver to the paymaster of the regiment, a certified list of the warrants issued, taking his receipt for the same, a duplicate of which he shall deliver to the commanding officer of his regiment within twenty days. And the commanding officer of each and every company shall keep a fair and accurate account of all warrants by him issued as aforesaid, and shall produce the same at the sitting of the next board of officers, which warrants shall be put into the hands of the constables that shall be appointed to collect the fines of delinquents at regimental or battalion musters, and each constable shall be accountable for the fines put into his hands to collect, and shall make distress for the same, if not paid in twenty days after receiving such warrant, in the same manner as is prescribed by law for regulating the duty of constables on a writ of execution: *Provided*, Such execution shall extend no farther than the goods and chattels of the defendant. Each constable shall pay into the hands of the paymaster all monies he may have collected, on or before the first day of June, and on or before the first day of December, in every year, whose duty it shall be to attend every court of enquiry, and make a statement of all the money he may have on hand. The constable serving the warrant shall be entitled to demand twenty-five cents from each delinquent in addition to the fine, for every warrant he may serve. Any constable who shall be guilty of a neglect of the duties enjoined on him by this section, shall forfeit and pay, for every such neglect or offense, the sum of ten

Continued.

dollars, and shall moreover be liable for all the fines put into his hands to collect; and the clerks and constables failing or neglecting to do the duties aforesaid, shall be dealt with in all respects as is prescribed by law for regulating the duties of constables on a writ of *scire facias*—which writ shall be issued by the paymaster of each regiment, and directed to the sergeant major, whose duty it shall be to collect the same as the law directs, who shall receive the same fees as constables do in similar cases, and pay over the same to the paymaster immediately when collected, and take his receipt therefor.

Sec. 34. *Be it further enacted*, That all fines and penalties incurred by commissioned officers by virtue of this act, shall be collected in the same manner as is prescribed by the thirty-third section of this act for collecting fines from non-commissioned officers and privates, and the same, when collected, shall be paid to the paymaster of the regiment; and all fines and penalties which have been assessed on any commissioned officers for a neglect or refusal to discharge the duties of his office under the former law, shall be collected agreeable to the provisions of this act. If any constable shall neglect to perform his duty agreeable to this act, he shall be subject, at the discretion of the court of enquiry, to be sentenced to pay the whole or any part of the fines put into his hands for collection, together with six per cent. interest; and if the whole amount shall not be paid within twenty days after such sentence, the president of the court of enquiry shall cause the sergeant major to make the same of the goods and chattels of such delinquent constable as aforesaid.

Fines and penalties, by whom and in what manner collected from commissioned officers.

Sec. 35. *Be it further enacted*, That all monies paid to the paymaster as aforesaid, shall be appropriated first, to the purpose of procuring the necessary number of drums, fifes and colors,

Fines, etc., how appropriated.

and secondly, the remainder, if any, shall be disposed of as the court of enquiry shall direct.

Adjutant general and brigade inspector's salary.

Sec. 36. *Be it further enacted*, That the adjutant general shall be allowed the sum of ninety dollars, and each brigade inspector the sum of seventy-five dollars yearly, for their services and stationery, and the state treasurer is hereby authorized and directed to pay the same on the certificate of the auditor of public accounts. The adjutants, clerks, provost marshals, the fife and drum majors, and other fifers and drummers of each regiment, shall receive such compensation for their services, as the court of enquiry shall think proper.

Adjutant's clerk, etc., to be compensated.

Sec. 37. *Be it further enacted*, That if any militiaman shall make it appear to the satisfaction of the officers of the company to which he belongs, that he is unable to furnish or equip himself as by this law is directed, and the said officers satisfying the succeeding court of enquiry thereof, it shall be in the power of such court to restrict any fine which may have been imposed by virtue of this law, and to grant such militiaman exemption from all such fines, until he shall be enabled, in the opinion of the officers of his company, to furnish and equip himself agreeably to this law.

Persons unable to equip agreeably to law exempt from fines.

Sec. 38. *Be it further enacted*, That if any bystander at a regimental, battalion, or company muster, shall insult, or otherwise molest any officer or soldier whilst on parade; the commanding officers of the regiment, battalion, troop or company, (as the case may be) may order such person or persons to be put under guard for any time not exceeding six hours, and to pay a fine not exceeding four dollars, which shall be collected as other militia fines are, subject to an appeal as in other cases.

Bystanders molesting officers or soldiers on parade, how punished.

Sec. 39. *Be it further enacted,* That it shall be the duty of the clerk of the regiment to attend the courts of enquiry, therein to take minutes of the proceedings, receive all the returns from the commandants of battalions and companies, and record the same in a proper book prepared for that purpose. He shall also record the class rolls of each company in his regiment, and shall furnish the person appointed to collect the fines with a list of the delinquents in his regiment, stating the number of fines due from each delinquent, and the muster at which they were delinquents; and on failure or neglect of any clerk to perform any of the duties imposed on him by this law, he shall be fined by any court of enquiry, in any sum not exceeding twenty-five dollars.

Clerk of the regiment,  
his duty.

Penalty for neglect thereof.

Sec. 40. *Be it further enacted,* That whenever it may be necessary to call into actual service any part of the militia, or on actual or threatened invasion of the state or of any of the neighboring states or territories of the United States, that it shall, and may be lawful for the governor to order into actual service, such part of the militia, by classes, as the exigencies may require. That each brigade or brigades, until an equal number of classes of the militia of the other brigade or brigades, respectively be first called, unless the danger of an invasion from the Indians, or others, should make it necessary to keep in reserve the militia of such brigade or brigades, for their immediate defense.

Governor empowered to call forth the militia.

Sec. 41. *Be it further enacted,* That orders for the militia to be called forth as aforesaid, shall be sent to the commanding officers of the brigades, with the notification of the place or places of rendezvous, who shall immediately take measures for detaching the same with the necessary

Orders to be sent to the commanding officers of brigades.

Brigadier  
general for  
neglect of  
duty.

Penalty.

number and rank of officers; and if any brigadier general shall refuse or neglect to comply with any of the duties required of him by virtue of this act, he shall forfeit and pay any sum not exceeding one thousand dollars, to be assessed by a general court-martial, collected by the brigade major, in the mode pointed out by the thirty-seventh section of this act, and disposed of as the said court-martial shall direct.

Militia, how  
to be class-  
ed.

Sec. 42. *Be it further enacted*, That each battalion or regiment of this state shall be divided into eight classes, preserving to each man his original class. All troops of horse and flank companies, whether grenadiers, light infantry or riflemen, shall be called into service by companies or detachments, and not by classes; the first flank company making part of the first call, and the second flank company shall make part of the fifth call of the militia, and be commanded by their own proper officers.

The order  
of classing  
commissioned  
officers.

Sec. 43. *Be it further enacted*, That for the purpose of having the militia, when called by classes, properly officered, the following order is hereby enjoined—that is to say: For the first draft, first captain, second lieutenant, fourth ensign.

2d, do.	2d, do.	1st, do.	3d, do.
3d, do.	3d, do.	4th, do.	2d, do.
4th, do.	4th, do.	3d, do.	1st, do.
5th, do.	5th, do.	6th, do.	8th, do.
6th, do.	6th, do.	5th, do.	7th, do.
7th, do.	7th, do.	8th, do.	6th, do.
8th, do.	8th, do.	7th, do.	5th, do.

Field officers,  
routine of  
command.

Non-commissioned officers to take tours of duty with the commissioned officers; and the routine of the field officers, shall be according to the date of their respective commissions. The first lieutenant colonel of the brigade, shall command the first detachment, if it amounts to a lieutenant

colonel's command; if it does not, the command shall devolve upon the first major, liable to serve three months, and no longer, and to be relieved by the class next in numerical order; the second to arrive at least two days before the expiration of the term of the class to be relieved: But nothing herein contained, shall prevent the governor or commanding officer of a brigade or division, from employing or calling out a part or the whole of any class or any companies or regiments, without respect to this rule, whenever the exigency is too sudden to allow the assembling of the militia, which compose the particular classes; and the service of the persons so called, out, shall be accounted a part of their tour of duty.

Term of service and how relieved.

When the militia may be called in to service other than by classes.

Sec. 44. *Be it further enacted,* That when any detachment of the militia shall be called into service, the captain of each company, shall take care that his proportion of men are assembled, and marched to the proper place of parade or rendezvous, under the care of a commissioned officer or sergeant, with a list of the men; which list shall be delivered to the adjutant of the regiment, and he shall make out a roll of the whole, mentioning the rank of the officers, and the names of the non-commissioned officers and privates. And when the detachment shall be completed and placed under the proper officer, he shall attend them to the place appointed for the meeting of the detachment of the brigade, when the several adjutants shall deliver to the brigade major or officer appointed to command the whole detachment, a complete roll, containing the names of the commissioned and non-commissioned officers and privates, comprising the detachment from each regiment or battalion, noting such remarks as circumstances may require. And it shall be the duty of the officer appointed to the command of such detachment, to cause two complete rolls to be made out and cer-

Captains, their duty when the militia are called into service.

Adjutant's duty.

Officer commanding a detachment.



his duty.      tified under his hand; one of which rolls he shall transmit forthwith to the adjutant general, and the other to the brigade inspector.

Persons called out may serve by substitutes.      *Sec. 45. Be it further enacted,* That it shall and may be lawful for any person called to do a tour of duty, to send a sufficient substitute; such substitute being approved by the captain or commanding officer of the company which he shall be offered to serve in: *Provided always,* That any person serving by substitute as aforesaid, if said substitute be called in his own turn into actual service, before the term expires which he was to serve for his employer, the person procuring such substitute, shall march or find a person to march in his substitute's turn, to be accepted as aforesaid, or be liable to pay his fine for neglect, which fine is to be recovered in the same manner, as is directed in the case of any militiaman neglecting or refusing to do a tour of duty; and that sons of the age of sixteen years or upwards, who are not subject to do military duty, may be admitted as substitutes for their fathers, to be accepted as aforesaid.

Proviso.

Lieutenant colonel or commanding officer, may impress for each company, a wagon, team, etc.      *Sec. 46. Be it further enacted,* That the lieutenant colonel, or the commanding officer of each regiment, from which detachments are drawn shall, if not otherwise to be obtained, cause to be procured by impressment, for each company, a wagon, team and driver, or a sufficient number of pack horses, six axes and six camp kettles or pots, of convenient size, all which shall be delivered to the commanding officer of the company. And the lieutenant colonel or commanding officer, shall cause all property by him impressed by virtue of this act, to be valued by three householders on oath, before the same shall be sent away, and shall give such owner a receipt for the same, stating the quantity, quality and value of the property impressed, toge-

Impressed articles to be valued.

ther with a certificate of the appraisers; the valuation thereof shall be allowed, and the said allowance shall be certified by the lieutenant colonel, to the auditor of public accounts, who shall issue his order to the person or persons entitled to the same, or the treasurer of the state, who shall pay the same out of any money in the public treasury not otherwise appropriated. And the property so impressed, shall become the property of the state; and the officer receiving the same, shall be accountable for all losses sustained by his misconduct or neglect. The brigade inspector is hereby authorized and required to prosecute a suit against such officer, to recover damages for the use of the state; and all such property shall be disposed of under the direction of the governor, after the public shall have no further necessity for the same, and pay over all monies raised therefrom, to the state treasurer, and take his receipt therefor.

The owner to be indemnified.

Brigade inspector's duty.

Sec. 47. *Be it further enacted*, That if any sudden invasion shall be made or intended to be made, of any county or district in this state, by Indians, or any other power, the commanding officer of the militia of such county or district, is hereby authorized and required to order out the whole or such part of the militia of his county or district, as he may think necessary, in such manner as he may think best for repelling such invasion, and shall call on the commanding officers of the adjacent counties or districts, for such aid as he may conceive necessary, who shall forthwith furnish the same. And it shall be the duty of every commanding officer of a county or district, on receiving information of the intended invasion of his or any neighboring county or district, forthwith to convey by special message or otherwise, information to the governor of the state, that he may make the necessary arrangements to repel the same.

Commanding officer of a company, upon an actual or threatened invasion thereof, how to proceed.

Persons prosecuted under this act may plead the general issue, etc.

Sec. 48. *Be it further enacted*, That if any suit or suits shall be brought or commenced against any person or persons, for anything done in pursuance of this act, the defendant or defendants in such action or actions to be brought, may plead the general issue and give this act and the special matter in evidence.

Fines due under former laws, how collected.

Sec. 49. *Be it further enacted*, That all fines heretofore duly assessed by any court of enquiry under the former laws, and which have not been paid, shall be collected in the manner prescribed by this act; and the sheriff and collectors in the several counties, shall make returns to the court of enquiry at their first meeting, of the fines assessed on delinquents in their several battalions, which have not been collected, together with the money they have collected, or the treasurer's receipt therefor, and all such fines not paid shall be subject to the order of the court of enquiry, and collected in the same manner as other fines are collected by this law.

Sheriffs and collectors, their duty.

This act not to affect the present organization, etc.

Sec. 50. *Be it further enacted*, That nothing in this act shall be so construed as to affect the present organization of the militia, unless it be necessary to carry the provisions of this act into effect.

Brigadier general's duty when there is not a sufficient number of militia in one county to form a regiment.

Sec. 51. *Be it further enacted*, That when there shall not be a sufficient number of militia companies in any one county in this state, to form a regiment, the brigadier general or commanding officer of brigade may form the whole of the companies within such county, into one battalion, to continue as such until their numbers will entitle them to form a regiment, and may direct the major of such battalion, to appoint an adjutant *pro tempore* and other staff officers, to make return and proceed in every respect, in the same manner

as directed by law, for commanding officers of regiments.

Sec. 52. *Be it further enacted*, That when there may be any odd battalion or company in any county, the brigadier general or commanding officer of the brigade to which such battalion or company belongs, may attach such battalion or company to the nearest battalion or regiment, or form them into a battalion, as directed in the foregoing section, as he may think most proper; and when the center of any company district shall be more than fifteen miles from the place of battalion meeting, the brigadier general shall dispense with such company's meeting with the battalion—and the captain of such company shall cause a muster of his company to be on the same day of such battalion or regimental muster.

Where there is an odd battalion or company in a county.

Sec. 53. *And be it further enacted*, That the following articles, rules and regulations shall govern the militia of this state, to-wit:

Rules.

Article 1. If any field or other commissioned officer at any regimental review, or any other occasion when the regiment, battalion or company to which he may belong or in which he may hold a command, is paraded in arms, shall misbehave or demean himself in an unofficer-like manner, he shall for such offense be cashiered or punished by fine, at the discretion of a general court-martial, as the case may require, in any sum not exceeding sixty dollars; and if any non-commissioned officer, musician or private shall, on any parade of the company to which he belongs, misbehave or disobey orders, or use any reproachful or abusive language to his officer, or any of them, or shall quarrel, or promote any quarrel among his fellow soldiers, he shall be disarmed and put under guard by the commanding officer or officers present, until the company is dismissed, and shall

Commissioned officers misbehaving, how punished.

Non-commissioned officers, musicians or private misbehaving, etc.

be by a regimental court-martial, fined in any sum not exceeding twenty dollars, nor less than one dollar.

Lieutenant colonel or majors refusing to give orders, etc.

Article 2. If the lieutenant colonel or commanding officer of any regiment or battalion, shall neglect or refuse to give orders for assembling his regiment or battalion, at the direction of the commander of the brigade to which he belongs, or in case of an invasion of the county or district to which such regiment or battalion belongs, he shall be cashiered, or punished by fine not exceeding six hundred dollars, at the discretion of a general court-martial; and if a commissioned officer of any company shall, on any occasion, neglect or refuse to give orders for assembling the company to which he belongs, or any part thereof, at the direction of the lieutenant colonel or commanding officer of the regiment to which such company belongs, he shall be cashiered and punished by fine, not exceeding two hundred dollars, at the discretion of a regimental or general court-martial, and a non-commissioned officer offending in such case, shall be fined at the discretion of a regimental court-martial, in any sum not exceeding twenty dollars.

How punished.

Commissioned officers of a company refusing, etc.

Non-commissioned officers offending, how punished.

Article 3. If any commanding officer of a company shall refuse or neglect to make out a list of the persons noticed to perform any tour of duty, and send or convey the same to the lieutenant colonel or commanding officer of the regiment to which such company may belong, or if he shall fail to call forth such officers and men as shall, from time to time, be legally called from his company, upon any call from the governor, or on invasion or insurrection in the county or district, or requisition from an adjacent county or district, or failing on any such occasion to repair to the place of rendezvous, for such neglect or refusal, he shall be cashiered or fined, at the discretion of a gen-

Penalty on captains failing to make out a list of persons noticed for a tour of duty, etc.

eral court-martial, in any sum not exceeding one hundred dollars, nor less than five dollars.

Article 4. If any militiaman shall desert while he is on a tour of duty, he shall be fined not exceeding one hundred dollars, and be obliged to march on the next tour of duty, under the same penalties as the first; if a non-commissioned officer shall so desert, he shall be degraded and placed in the ranks, and shall pay a fine not exceeding two hundred dollars, and be obliged to serve another tour as a private.

Desertion,  
how to be  
punished.

Article 5. Every general court-martial shall consist of thirteen members, exclusive of the judge advocate, all of whom shall be commissioned officers not under the rank of captain, and the officer highest in rank shall preside.

General  
court mar-  
tial.

Article 6. Every regimental court-martial shall be composed of five members, all commissioned officers; one of their members president, not under the rank of captain.

Regimental  
court-mar-  
tial.

Article 7. All members of a court-martial are to behave with decency and calmness, and in giving their votes, are to begin with the youngest in commission.

Members,  
how to vote.

Article 8. No commissioned officer shall be tried but by a general court-martial, nor by officers of an inferior rank, if it can be avoided, nor shall any proceedings or trials be carried on except between the hours of eight o'clock in the morning and three o'clock in the afternoon, but courts-martial may adjourn from day to day, except in cases where the militia shall be in actual service in time of war, and when in the opinion of the officer appointing the court, an immediate example is required.

Commis-  
sioned offi-  
cers to be  
tried by a  
general  
court mar-  
tial.

May adjourn  
from day to  
day.

Article 9. The judge advocate shall prosecute in the name of the state, but shall so far consider himself as counsel for the prisoner, as to object to any leading question to any witness or any wit-

Judge advo-  
cate, how to  
prosecute,  
etc.

nesses, or any question to the prisoner, the answer to which might lead to criminate himself.

Proceedings, when persons are put under guard.

Article 10. When a non-commissioned officer, musician or private, is confined under guard, a statement of his crime shall be lodged with the officer of the guard within twelve hours after the prisoner's confinement, otherwise the prisoner shall be set at liberty.

Court martial, two-thirds must agree.

Article 11. In every court-martial not less than two-thirds of the members must agree in every sentence for inflicting any punishment, otherwise the person charged shall be acquitted.

Witnesses to give testimony on oath, etc.

Article 12. The president of each and every court-martial, whether general or regimental, shall require all witnesses in order to the trial of offenders, to declare on oath or affirmation, that the evidence they shall give is the truth, the whole truth and nothing but the truth. And the members of all such courts shall take an oath or affirmation as follows, to-wit: "I ——, do solemnly swear or affirm (as the case may be) that I will hear and determine according to evidence, to the best of my understanding, and the custom of war, in such like cases, between the state of Ohio and—— now to be tried; that I will not disclose the opinion of this court until approved or disapproved by the commanding officer or commander in chief (as the case may be) and that I will not at any time discover or disclose the opinion of any particular member, unless called upon to give evidence thereof, by a court of justice, in due course of law:" Which oath or affirmation shall be administered by the judge advocate to the president and members.

Form thereof.

By whom administered.

Judge advocate, how appointed.

To take an oath.

Article 13. The judge advocate shall be appointed by the officer ordering the court-martial, and shall take the following oath or affirmation, which shall be administered by the president, to wit: "I ——, do swear or affirm (as the case may be) that I will faithfully execute the office of

judge advocate to this court, now met for the trial of ——— to the best of my abilities and understanding and the custom of war in like cases, and that I will not disclose nor discover the opinion of this court-martial until approved or disapproved by the commanding officer, and that I will not at any time disclose or discover the vote or opinion of any member, unless called upon by a court of justice to give evidence thereof, in due course of law." It shall be the duty of the judge advocate to keep a record of the whole proceedings of the court, taking into view the depositions of all witnesses that may be introduced.

Form thereof.

His duty.

Article 14. Courts-martial shall appoint a provost marshal, whose duty it shall be to summon all witnesses, having received process for that purpose from the president of the court, to execute the orders of the court, and keep bystanders from interrupting the court whilst sitting. All persons called as witnesses in any case before a court-martial, who shall refuse to attend and give evidence, shall be censured or fined at the discretion of the court, in any sum not exceeding fifty dollars.

Provostmarshal's duty.

Witnesses refusing to attend, how punished.

Article 15. No officer or private being charged with transgressing these rules, shall be suffered to do duty in the regiment, company or troop to which he belongs, until he has had his trial by court-martial, and every person so charged shall be tried as soon as a court-martial can conveniently be assembled.

Officers, etc., transgressing, not suffered to do duty until tried.

Article 16. If any non-commissioned officer or private shall think himself injured by his lieutenant colonel or commanding officer of the regiment, and shall upon due application made to him, be refused redress, he may complain to the brigadier general, who shall direct three commissioned officers to inquire into the nature of the complaint; and if they report that the person complaining, in their opinion, has been injured, the

Proceedings had when a non-commissioned officer or private is injured by his colonel.



brigadier general shall then direct the brigade inspector, at a certain time and place, to summon a general court-martial, for the purpose of doing justice to the person complaining, and shall also direct the brigade inspector to give the person complained of, at least eight days previous notice of the time and place of the meeting of any such court-martial, together with a copy of the charges exhibited against him.

If injured by a captain, etc., how to proceed.

Article 17. If any non-commissioned officer or private, shall think himself injured by his captain or other superior, in the battalion, troop or company to which he belongs, he may complain to the commanding officer of the regiment, who shall cause his adjutant to summon a regimental court-martial, for doing justice according to the nature of the case.

The person tried, entitled to a copy of the sentence.

Article 18. The party tried by a general court-martial, shall be entitled to a copy of the sentence and proceedings of such court-martial, after the decision on the sentence, upon demand thereof made by himself, or any person or persons in his behalf, whether such sentence be approved or not.

Court-martial, its powers.

Article 19. No penalty shall be inflicted at the discretion of a court-martial, other than degrading, cashiering, or fining.

Of pardons and mitigation of fines, etc.

Article 20. The commanding officer for the time being, shall have full power of pardoning or mitigating any censures or penalties so ordered to be inflicted, on any private or non-commissioned officer for the breach of any of those articles, by a general court-martial; and every offender convicted as aforesaid, by any regimental court-martial, may be pardoned, or have the penalty mitigated, by the lieutenant-colonel or commanding officer of the regiment, excepting only where such censures or penalties are directed as satisfaction for injuries received by an officer or private from another; but in case of officers, such sentence to be approved of by the commander in chief of the

militia, who is empowered to pardon or mitigate such sentence, or disapprove of the same.

Article 21. If any commissioned officer shall at any time, or upon any occasion, behave in an un-officer-like or ungentlemanly manner, the commander in chief, if the person accused be a major general; the major general, if a brigadier general; the brigadier general, if a field officer; or the lieutenant colonel or commanding officer of a regiment, if an inferior officer (as the case may be) upon the application of a commissioned officer, may appoint a board of officers to enquire into the matter of complaint—and if upon their report, it shall appear to him deserving of trial, then and in such case he shall direct a court-martial, whose proceedings herein shall have the same effect, as if the offense had been committed when on actual duty.

Commissioned officers misbehaving, etc. how proceeded against.

Article 22. The militia on the days of training, may be detained under arms on duty, in the field, any time not exceeding six hours: *Provided*, They are not kept above three hours under arms at any one time, without being allowed to refresh themselves.

Hours of parade, etc.

Article 23. All fines that shall be incurred by any breach of these rules, shall be paid to the paymaster of the regiment in which the offender resides (whose receipt shall be a sufficient discharge for the same) within sixty days after they become due; but in case of neglect or refusal to pay any of the said fines, they shall be levied and collected in manner hereinbefore directed.

Fines paid to the paymaster of the regiment, etc.

Article 24. The militia of this state, whilst in actual service, shall be subject to the same rules and regulations as the federal army, and shall receive the same pay and rations, as is allowed by the United States to the militia when in actual service: *Provided*, That upon any transgression or offense of a militiaman, whether officer or private, against the rules and regulations of the fed-

Militia in actual service subject to the rules, etc., of the federal army.

Proviso.

eral army, the cause shall be tried and determined by a court-martial of the militia of this state, if the same can be convened.

Rules of discipline established by congress, twenty-ninth March, 1779, to be observed.

Article 25. The rules of discipline approved and established by congress, in their resolution of the twenty-ninth of March, one thousand seven hundred and seventy-nine, shall be observed by the militia of this state, except such deviations from said rules as may be necessary by the requisitions of the acts of congress, or some other unavoidable circumstances. It shall be the duty of the commanding officer at every training, whether by regimental, battalion or single company, to cause the militia to be exercised and trained, agreeably to the said rules and discipline, and the instructions laid down by the Baron Steuben, and annexed to the said rules of discipline, pointing out the respective duties of the officers, non-commissioned officers and privates, are recommended and enjoined upon the militia of this state, as particularly and fully, as if the said instructions were repeated and expressed in this act at length; and it shall be the duty of every captain to instruct his non-commissioned officers accordingly.

And Baron Steuben's institutions, etc.

On a call for a tour of duty, what notice.

Article 26. If any militiaman on receiving notice thereof, shall neglect or refuse to be in readiness to march on any tour of duty, armed and equipped, as directed by this act, he shall forfeit and pay a sum, not more than one hundred dollars nor less than eight dollars. for every month he is required by law to serve on such tour, to be assessed (on proper proof thereof made) by a regimental court-martial: *Provided always*, That if any militiaman shall be sick, or make any other just or satisfactory excuse to the court-martial, such fine shall not be assessed, but such militiaman shall be obliged to perform a tour of duty on the next call of the militia.

Penalty for neglect.

Proviso.

Infantry.

Sec. 54. *Be it further enacted*, That each light infantry, grenadier, rifle, artillery or cavalry com-

pany, shall have a right to have as many other musters, as a majority of such company may think proper, exclusive of the musters pointed out by this act, which shall be as binding on the company when agreed to by a majority thereof, as if the same was authorized by law, and subject to the same fines; and all fines incurred by any company or cavalry, shall be assessed and collected by the commissioned officers of the company, for the use of such company, subject however to an appeal, as before directed.

Grenadier, rifle, artillery or cavalry companies have a right to musters, etc.

Sec. 55. *And be it further enacted*, That all laws and parts of laws heretofore passed for the regulation of the militia, shall be, and the same are hereby repealed.

Repealing clause.

ABRAHAM SHEPHERD,

Speaker of the house of representatives.

THOMAS KIRKER,

Speaker of the senate.

February 3d, 1807.

## CHAPTER II.

*An act making a further appropriation of the three per cent. granted by the United States for laying out, opening and making roads in this state.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That a sum not exceeding fourteen thousand dollars of the monies which have been or may be received by the treasurer of this state, agreeably to the provisions of an act of congress, entitled "An act, in addition to and modification of the propositions contained in the act, entitled, "An act, to enable the people of the eastern division of the territory north-west of the

A sum not exceeding 14,000 dollars, appropriated for laying out and opening roads.

river Ohio, to form a constitution and state government, and for the admission of such state into the union on an equal footing with the original states, and for other purposes," next after the appropriations heretofore made out of the said fund, shall be satisfied, be, and the same is hereby appropriated for the purpose of laying out, opening and making roads within this state, in manner hereinafter prescribed.

Special appropriations  
out of the  
14,000 dollars.

Sec. 2. *Be it further enacted*, That of the said sum of fourteen thousand dollars, the sum of four hundred dollars for the purpose of laying out, opening and making a road from the point where the road leading from New Lisbon, in the county of Columbiana, terminates on the south boundary of Trumbull county, to intersect the road leading from Cleveland, in the county of Geauga, to the portage in the county of Trumbull, in the most convenient point thereof; and the sum of seven hundred dollars on a road from the mouth of Bulskin creek, in the county of Clermont, on the best direction towards the town of Xenia, in the county of Green, until it intersects a road to be laid off from West Union, in Adams county, to the town of Xenia aforesaid; the sum of eight hundred dollars, on a road from the portage on Cuyahoga, in the county of Trumbull, to the town of Franklinton, in the county of Franklin; and the sum of three hundred dollars, on the road on the main branch of Yellow creek, in the county of Columbiana, through New Lisbon, to Deerfield, in the county of Trumbull; and the sum of five hundred dollars on a road from three miles west of the bridge over Wills creek, by said bridge, to Oliver Gorrels on the salt fork of Wills creek, in the county of Belmont; and the sum of eight hundred dollars on a road from Marietta, in the county of Washington, to Zanesville, in the county of Muskingum; and three hundred dollars on the road from Zanesville to Lancaster;

Continued.

and three hundred dollars from the foot of Wheeling hill, at Sharplesse's mill, to Oliver Gorrels, on the road leading from Wheeling to Wills creek bridge; and the sum of three hundred and fifty dollars on a road from Cincinnati, in the county of Hamilton, to Whitewater settlement; and the sum of five hundred dollars on a road from Zanesville, to the forks of Muskingum; and the sum of six hundred dollars on a road from Portsmouth, in the county of Scioto, to Gallipolis, in the county of Gallia; and the sum of eight hundred dollars on a road from Lancaster, in the county of Fairfield, to Marietta; and the sum of four hundred dollars on a road from New Comerstown, westerly, to the line between the ninth and tenth ranges, in the military tract; and the sum of two hundred and fifty dollars on the road from Hamilton, in the county of Butler, to Cincinnati; and the sum of six hundred dollars on a road from West Union, in the county of Adams, to the Scioto salt-lick, in the county of Ross; and the sum of four hundred dollars on the road from Chillicothe, to Marietta; and the sum of four hundred dollars on a road from Chillicothe, to Franklinton, in the county of Franklin; and the sum of five hundred dollars on the post road from Chillicothe, to Limestone; and the sum of eight hundred dollars on a road from West Union, in the county of Adams, through the seat of justice in the county of Highland and Xenia, in the county of Green, to intersect the state road leading from Dayton to Springfield, near the Yellow Springs, and with the said road to Springfield, and thence to Urbana, in the county of Champaign; and four hundred dollars on the road from Morgan Vanmeter's, in the county of Highland, through the towns of Oakland and Waynesville, in the county of Warren, to Franklin, and thence to the town of Eaton, in the county of Mont-

Continued.

gomery; and the sum of three hundred dollars on a road from Hezekiah Griffith's ferry, on the Ohio, opposite to Charlestown, in the state of Virginia, to Cadiz, in the county of Jefferson; and the sum of two hundred and fifty dollars from Steubenville, to Yellow creek, on the road leading to New Lisbon, in the county of Columbiana; and the sum of one hundred and fifty dollars on a road from the north-west corner of the old seven ranges, to Bethlehem, in the county of Columbiana; and the sum of three hundred dollars on the road from Cadiz, to the bridge over Wills creek; the sum of five hundred dollars on a road from township number six, in the first range of townships in Trumbull county, to the mouth of Ashtabula creek, in Geauga county; and the sum of one hundred dollars for digging the hills on each side of the Little Miami, where the state road crosses from Chillicothe, by Lebanon, in Warren county, to the College township in Butler county; the sum of five hundred dollars on the road from Chillicothe, in the county of Ross, by the way of Todd's fork of the Little Miami, to Cincinnati, in the county of Hamilton; and the sum of one hundred and seventy dollars on the road from Cincinnati, across the bridge lately erected over the mouth of Mill creek, which run on and near the bank of the Ohio river, to the village of North Bend; and the sum of three hundred and fifty dollars for the purpose of laying out, opening and making a road from Youngstown, in the county of Trumbull, to intersect the road leading from Cleveland, in the county of Geauga, to the portage in said Trumbull county, at the most convenient point thereof; and the sum of five hundred dollars on a road from Steubenville, in the county of Jefferson, to the north-west corner of the old seven ranges; and the sum of two hundred dollars on the road from Gallipolis, in the county of Gallia, to Chillicothe, in the coun-

Continued.

Continued.

ty of Ross and the sum of four hundred dollars on the road from Athens, in the county of Athens, by Belpre, to Marietta, in the county of Washington; and the sum of three hundred dollars on the road from the mouth of that creek, to where the same intersects the State road from Wheeling, to Chillicothe.

Sec. 3. *Be it further enacted*, That the sum of five hundred dollars appropriated by this act, for improving the post road from Chillicothe to Limestone, to be laid out and expended under the direction of William Leedham, Frederick Brougner and Nathaniel Willis or a majority of them, on such part or parts of the same as they may deem necessary, and the aforesaid William Leedham, Frederick Brougner and Nathaniel Willis, or a majority of them, shall be authorized to contract with such person or persons as they may think proper to make such repairs and improvements as to them will appear necessary; and they or a majority of them, are authorized to draw on the treasurer of the state for the amount by them so contracted, when the work is performed, after retaining for themselves one dollar for every day, for their attendance on the duty required of them by this section.

Appropriation from Limestone to Chillicothe, to be laid out by W. Leedham, F. Brougner and N. Willis.

Sec. 4. *Be it further enacted*, That two commissioners shall be appointed by joint resolution of both houses of the general assembly, for every new road, for the laying out of which money is appropriated by this act, who shall, in laying out and establishing such roads, in all respects conform to the provisions of this act, and the act, entitled, "An act, appropriating part of the three per cent. granted for laying out, opening and making roads within this state;" and in case such commissioners cannot agree in their opinion respecting the route of such road, or any other matter by them to be decided, they shall call in to their assistance some disinterested person, whose judgment there-

Two commissioners appointed for laying out every new road.

How governed.

Commissioners disagreeing to choose a third man.



**Proviso.** upon shall be final and conclusive: *Provided*, That no road laid out under the provisions of this act, shall have a greater elevation from the horizontal line than fifteen degrees.

**Commissioners, their compensation.** Sec. 5. *Be it further enacted*, That the commissioners to be appointed by joint resolution of both houses of the general assembly, shall receive four dollars per mile for surveying, marking, examining and making return of their road and for all other services by them to be done and performed; and the person, if any, by them called into their assistance, shall receive for his service the sum of one dollar per day, for every day which he shall be employed in determining and adjusting any disputed matter between the commissioners to be appointed by joint resolution of the general assembly, to be paid by the treasurer, on the order of such person and the certificate of the two commissioners.

**Persons called in, how compensated.**

**Commissioners, how to qualify themselves.** Sec. 6. *Be it further enacted*, That the commissioners appointed under this act, shall qualify themselves agreeably to the third section of the act to which this act is an amendment; and the person, if any, called into their assistance, shall take an oath faithfully to discharge the trust reposed in them; and it shall be the duty of the said commissioners, after any person has completed his contract, to proceed and accurately to examine the road, and ascertain whether such person has, in all respects, faithfully fulfilled his contract; and if they shall be of the opinion, that such contractor has fulfilled his contract, they shall then proceed to draw orders on the treasury, in the manner prescribed by the above recited act.

**Persons called in to be sworn.**

**Commissioner's duty.**

**Appropriations on old roads, one commissioner appointed.** Sec. 7. *Be it further enacted*, That where money is appropriated for repairing any old road, there shall be appointed one commissioner for each road, by a joint resolution of both houses of the general assembly, who shall appropriate such money and make such contracts as will, in his

opinion, best promote the interests of such road; and such commissioner shall not alter the route of such old road, any further than is absolutely necessary to carry into effect the intention of such appropriation—and such road commissioner shall receive such compensation as the commissioners of the county in which such commissioner may reside, may seem just and reasonable; a certificate of which allowance shall be forwarded by such commissioner, to the state treasurer.

County commissioners to certify their compensation

Sec. 8. *And be it further enacted,* That in all cases where the conditions of any of the bonds entered into by any commissioner appointed to carry this act into effect, shall be violated or not fully complied with, the treasurer of state shall commence in his name, for the use of the state, all suits necessary to be brought on any of such bond or bonds.

Bonds forfeited, treasurer to commence suit, etc.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.  
THOMAS KIRKER,  
Speaker of the senate.

February 4th, 1807.

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### CHAPTER III.

*An act to prevent certain acts hostile to the peace and tranquillity of the United States, within the jurisdiction of this state.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That if any person or persons shall, within the jurisdiction of this state, fit out or arm, or attempt to fit out or arm, or procure to be fitted out or armed, or shall, knowingly, be concerned in the furnishing, fitting out or arming of any vessel, boat or water craft, or bring or cause

Persons fitting out or arming vessels, etc.

to be brought within the jurisdiction of this state, any vessel, boat or water craft, with intent that such vessel, boat or water craft, shall be employed to disturb the peace and tranquillity of the United States, or if any person or persons shall, within the jurisdiction of this state, raise or attempt to raise, enlist, or attempt to enlist any person, party or army, or attempt to march any party or army through this state, or if any person shall knowingly enlist or engage in any project or enterprise, with intent to act against the peace and tranquillity of the United States as aforesaid; every such person or persons so offending, shall upon conviction before the supreme court, be fined in a sum not exceeding four thousand dollars each, and imprisoned for a term not exceeding three years; and every such vessel, boat or water craft, with her tackle, apparel and furniture, together with all materials, arms, ammunition or stores, which may have been procured for the building or equipment thereof, shall be forfeited to the use of the state.

Attempting to enlist,

or enlisting with intent to act against the United States.

To be fined.

Vessel, etc., forfeited.

Sec. 2. *And be it further enacted*, That if any person or persons shall begin, or set on foot, or provide or prepare any vessel, boat or water craft, or any materials, arms, ammunition or stores for any military expedition or enterprise, with intention to disturb the peace and tranquillity of the United States, or with such intention shall enter or bring within the jurisdiction of this state, any vessel, boat or water craft, or any materials, arms, ammunition or stores; or if any person or persons shall raise or attempt to raise, enlist or engage any person, party or army, or attempt to march any party or army through this state, or if any person shall knowingly enlist or engage in any project or enterprise, with intent to act against the peace and tranquillity of the United States as aforesaid, it shall be lawful for the governor of this state, or such other person as he shall have empowered for that purpose, to issue his warrant to any sheriff,

Governor may appoint agents—

coroner or any officer of the militia above the rank of captain, authorizing and requiring such sheriff, coroner or officer of the militia, to arrest and secure such person or persons, and take possession of, and detain such vessel, boats and water craft, and such materials, arms, ammunition and stores as aforesaid.

Issue warrants etc.

Sec. 3. *And be it further enacted*, That where any person or persons shall be arrested as aforesaid, it shall be the duty of the officer so arresting him to make return of his warrant to, and convey the person or persons, before one of the judges of the supreme court, or president of the court of common pleas, whose duty it shall be, if he find probable cause for such arrest, at his discretion to commit the person or persons so arrested to close custody, or to admit him or them to bail, with four sufficient sureties, and in a sum not to exceed fifty thousand dollars each, conditioned for his appearance before the next supreme court for the county in which such person or persons may have been arrested, to answer to the subject matter of the said warrant, and in the meantime that he or they will engage in no enterprise or project hostile to the peace and tranquillity of the United States.

Duty of the officer making an arrest.

Judge may commit or let to bail.

Sec. 4. *And be it further enacted*, That when any vessel, boat or water craft, or any materials, arms, ammunition or stores shall be taken possession of, and detained in manner aforesaid, it shall be the duty of the officer so detaining them (to keep them securely until the next session of the supreme court for the county in which they may be so detained) in order to the execution of the prohibition and penalties of this act; and for that purpose it shall be lawful, in every such case, for the governor, or such other person as he may have empowered for that purpose, to employ such part of the power of the state or the militia thereof, as he shall judge necessary.

Boats, provisions, etc. when subject to be kept by the officers, etc.

Officer to whom a warrant may be directed refusing to obey.

Sec. 5. *And be it further enacted*, That if any sheriff, coroner, or officer of the militia above the rank of captain, to whom such warrant may be directed as aforesaid, shall refuse or neglect to obey the direction thereof, shall not use all possible exertions to carry into effect the said warrant, or shall not convey any person in manner aforesaid, or shall not keep secure the said vessels, boats, or water crafts, or the said materials, arms, ammunition or stores, such officer shall, on conviction thereof, before any court of competent jurisdiction, be fined in a sum not exceeding two thousand dollars, and imprisoned not exceeding four years.

How punished.

Officers of militia after notice refusing to give notice to their company, etc.

Sec. 6. *And be it further enacted*, That if any captain or other commanding officer of a company of militia, after having received eight hours' notice from any person empowered as aforesaid, shall neglect or refuse to give notice to the individuals of his company; or if any person after having received four hours' notice, shall refuse or neglect to appear at the place appointed, armed with a musket or rifle, with at least sixteen bullets and sixteen rounds of powder, or when assembled, shall refuse or neglect to obey the person to whom the said warrant may be directed, or any one whom he may appoint, or shall refuse or neglect to obey any directions of the person empowered as aforesaid, which may be in conformity with the provisions of this act, any such person or persons shall be, on conviction thereof, before any court of competent jurisdiction, fined in a sum not exceeding one thousand dollars, and be imprisoned for a time not exceeding one year.

How punished.

Compensation for services.

Sec. 7. *And be it further enacted*, That for all services performed under this act, the person or persons so performing, shall receive such compensation as to the governor may seem just and reasonable, and that for the purpose of defraying the necessary expenses incident to this act, the sum of one thousand dollars be, and the same is hereby

Appropriation.

appropriated, subject to the order of the governor.

Sec. 8. *And be it further enacted*, That this act shall continue in force for the space of one year, and until the end of the next session of the general assembly, and no longer.

Continuance  
of this act.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

December 6th, 1806.

#### CHAPTER IV.

*An act to amend an act incorporating townships.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That when the board of commissioners of any county, shall set off or may have set off any new township into an election district, or where the office of two or more trustees become vacant in any township, it shall be the duty of the said board of commissioners forthwith to give public notice by advertisement, in three of the most public places in said township (at least ten days before the time of holding the election) notifying the electors thereof, of the time and place of holding an election for the purpose of electing township officers.

Commissioner's duty when new townships are set off, etc.

Sec. 2. *And be it further enacted*, That the electors of any township set off, or where vacancies may happen as aforesaid, shall, at the time and place appointed by the said board of commissioners, assemble themselves together, and then and there proceed to elect township officers; and the officers so elected, shall hold their offices until the next annual township election, and until their suc-

Electors to meet and elect township officers, etc

cessors are elected and qualified; which said election shall be conducted in all respects, according to the provisions of an act, entitled "An act to provide for the incorporation of townships."

Commence-  
ment.

This act shall take effect and be in force from and after the passage thereof.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

December 15th, 1806.

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## CHAPTER V.

*An act supplementary to the act, entitled, "An act for leasing section number twenty-nine, granted for religious purposes."*

Commission-  
er's duty.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That wherever any fractional township, in John Cleve Symmes's patent or in the Ohio company's purchase, excepting in the county of Washington, may contain a section or fractional part of a section numbered twenty-nine, and does not contain section number sixteen, and it is made to appear to the satisfaction of the commissioners of the proper county, where such section or fractional part of a section is situated, that there are twenty electors inhabiting such fractional part of a township, they shall direct an election specifying the time and place where it shall be held, to elect three trustees and one treasurer; such election shall be conducted in all respects agreeably to the rules and regulations pointed out in the second section of an act, entitled, "An act, to incorporate the original surveyed townships."

Sec. 2. *And be it further enacted,* That the trus-

tees and treasurer so chosen, shall be governed in all respects by the act, entitled, "An act for leasing section number twenty-nine, granted for religious purposes."

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

December 20th, 1806.

## CHAPTER VI.

*An act, to amend the act, entitled, "An act for opening and regulating roads and highways."*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That all roads heretofore laid out, or that may hereafter be laid out and opened, under the several acts for appropriating the three per cent. granted by congress for laying out, opening and making roads in this state, shall be under the same restrictions and subject to the same regulations in every respect, as county roads and highways are, agreeable to the provisions of the above recited act; and the clerk of the court of common pleas for the proper county shall, on application of the county commissioners, deliver all returns made to his office, by the road commissioners.

Roads laid out, etc., under laws appropriating the three per cent. subject to similar regulations, etc.

Duty of the clerk.

Sec. 2. *Be it further enacted,* That the treasurers of the several townships shall, annually, pay over to the supervisors of their respective townships, on the order of the trustees, all monies collected on fines, which remains in the township treasury on the first day of October, which money shall be laid out in opening and repairing roads and highways, as other monies collected by tax for that purpose.

Township treasurers on order of the trustees to pay over monies, etc.

How applied.



Trustees where county levies are not collected, may collect a road tax.

Sec. 3. *Be it further enacted*, That the trustees of the several townships within any county where there is no county levies collected, may, if they deem it necessary for opening and keeping in repair public roads and highways in the different townships, levy and collect a tax for that purpose:

Proviso.

*Provided*, That the same do not exceed the rates prescribed by law for county taxes.

Supervisors when to have money, etc., laid out on roads.

Sec. 4. *And be it further enacted*, That the supervisors of roads shall have one-half of the money and labor laid out on the roads, by the fifteenth day of June, annually, and the other half by the first Monday in December next following the date of their appointment, and the grand jury, in their respective counties, shall make presentment of all such supervisors who neglect to perform the several duties enjoined on them by this and the before recited act.

Commencement.

This act to take effect and be in force from and after the first day of March next.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

February 3d, 1807.

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## CHAPTER VII.

*An act making temporary appropriation of money for certain purposes.*

5,000 dollars appropriated.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the sum of five thousand dollars of the revenue of this state, be, and the same is hereby appropriated for the payment of the members and officers of the general assembly in part of their wages for the present session, also

the sum of five hundred dollars in part payment for services performed by the public printer, for the payment of which the auditor of public accounts is hereby required to issue bills redeemable at the treasury of this state.

This act shall commence and be in force from and after the passage thereof. Commencement.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.  
THOMAS KIRKER,  
Speaker of the senate.

December 29th, 1806.

## CHAPTER VIII.

*An act to amend the act, entitled "An act regulating black and mulatto persons."*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That no negro or mulatto person shall be permitted to emigrate into and settle within this state, unless such negro or mulatto person shall, within twenty days thereafter, enter into bond with two or more freehold sureties, in the penal sum of five hundred dollars, before the clerk of the court of common pleas of the county in which such negro or mulatto may wish to reside (to be approved of by the clerk) conditioned for the good behavior of such negro or mulatto, and moreover to pay for the support of such person, in case he, she or they should thereafter be found within any township in this state, unable to support themselves. And if any negro or mulatto person shall migrate into this state, and not comply with the provisions of this act, it shall be the duty of the overseers of the poor of the township where such negro or mulatto person may be found, to remove immediately, such black or mulatto per-

Negro or mulatto persons not permitted to settle in this state without giving bond.

Penalty and condition thereof.

On failure the overseers of the poor, their duty.

son, in the same manner, as is required in the case of paupers.

Clerk to file bond, etc.

Sec. 2. *Be it further enacted*, That it shall be the duty of the clerk, before whom such bond may be given as aforesaid, to file the same in his office, and give a certificate thereof to such negro or mulatto person; and the said clerk shall be entitled to receive the sum of one dollar for the bond and certificate aforesaid, on the delivery of the certificate.

His compensation.

Penalty on persons harboring or secreting negroes or mulatto persons.

Sec. 3. *Be it further enacted*, That if any person being a resident of this state, shall employ, harbor or conceal any such negro or mulatto person aforesaid, contrary to the provisions of the first section of this act, any person so offending, shall forfeit and pay, for every such offense, any sum not exceeding one hundred dollars, the one-half to the informer, and the other half for the use of the poor of the township in which such person may reside, to be recovered by action of debt, before any court having competent jurisdiction, and moreover be liable for the maintenance and support of such negro or mulatto, provided he, she or they, shall become unable to support themselves.

How recovered.

Black and mulatto persons prohibited from giving testimony in certain cases.

Sec. 4. *Be it further enacted*, That no black or mulatto person or persons, shall hereafter be permitted to be sworn or give evidence in any court of record, or elsewhere in this state, in any cause depending, or matter of controversy, where either party to the same is a white person, or in any prosecution, which shall be instituted in behalf of this state, against any white person.

Repealing clause.

Sec. 5. *And be it further enacted*, That so much of the act, entitled "An act to regulate black and mulatto persons," as is contrary to this act, together with the sixth section thereof be, and the same is hereby repealed.

Commencement.

This act shall take effect and be in force, from and after the first day of April next.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 25th, 1807.

CHAPTER IX.

*An act directing the clerk of the court of common pleas in each county, to give notice to the listers in the several counties or townships, to take the enumeration of the white male inhabitants.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the clerk of the court of common pleas in every county in this state, shall within twenty days after the ensuing annual election for township officers, notify each lister within his county, that he shall at the time he takes in a list of land or other taxable property, take in the number of white male inhabitants above twenty-one years of age; in which duty, they shall be governed in all respects, by an act passed the sixteenth day of April, one thousand eight hundred and three, entitled "An act regulating the mode of taking the enumeration of the white male inhabitants, above twenty-one years of age." And any clerk or lister neglecting the duties enjoined by this act, shall be liable to the same penalties that they are subjected to for the neglect of other official duties.

Clerk of common pleas within twenty days after the annual township election, to give listers notice, etc.

Listers duty

How governed.

Penalty on clerk or lister for neglect.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 30th, 1807.

## CHAPTER X.

*An act, to incorporate the society of St. John's church, in Worthington and parts adjacent.*

Members of the corporation.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That James Kilbourn, Ezra Griswold, Thomas Palmer, Samuel Beach, David Bristol, Alexander Morrison, Israel Case, Isaac Case, Alexander Morrison, Jr., Azariah Pinney, Lemuel G. Humphrey, Obed Blakely, Samuel Beach, Jr., Abner Bristol, Ebenezer Brown, Levy Pinney, Israel P. Case, Abiel Case, William Robe, Noah Andrews, Joseph Sage, Abner P. Pinney, Elias Vining, William Vining, William Morrison, Aaron Strong, Rosewell Tuller, William Watson, Seth Watson, Nathan Carpenter, Ira Carpenter and their associates for the time being, be, and they are hereby created and declared a body politic and corporate in law and in fact, by the name of St. John's church, in Worthington and parts adjacent, and as such shall remain and have perpetual succession. subject, however, to such alterations and restrictions as the legislature may, from time to time, think proper to make.

Their style.

Capable of suing and being sued in their corporate capacity.

Sec. 2. *Be it further enacted*, That the said corporation shall be capable in law, by their name aforesaid, of suing and being sued, of pleading and being impleaded, in any suit, and in any court proper to try the same; and they are hereby authorized to have one common seal for the use of the corporation, and the same to alter, break or renew at their pleasure.

To have one common seal.

Their powers in receiving and acquiring property.

Sec. 3. *Be it further enacted*, That the said corporation shall be capable in law, by the name aforesaid, of having, receiving, acquiring and holding, either by gift, grant, devise or purchase, any estate, real, personal or mixed, which now is, or that shall hereafter become the property of said

society, together with their proportion of the profits or rents arising from any lands given by congress for religious purposes: *Provided*, however, that the clear income of all such property, shall not exceed the sum of three thousand dollars, and that no part thereof be appropriated to any other purposes than the following, viz: of erecting and keeping in repair a house for public worship, and all other necessary and convenient buildings for the accommodation of the minister of said society for the time being, and of enclosing and keeping in repair the grave yard; of clearing and improving the lands belonging to the corporation; of defraying the expenses incident to their mode of religious worship generally; of affording relief to the poor, and (if necessary) supporting a school—for all of which purposes they shall have full power to make appropriations in such manner and proportions as they shall judge expedient and proper: *Provided also*, That every specific gift, donation or devise, shall be appropriated by the corporation, in such manner and for such purposes as shall be designated by, or that shall be in pursuance of the intention of the donor or devisor.

Limited.

Money, etc.,  
how to be  
applied.

Proviso.

Sec. 4. *Be it further enacted*, That for the better regulating and governing said society, and managing the affairs thereof, there shall be a meeting of the corporation at said Worthington, on the first Monday after Easter Sunday, annually, at one o'clock, P. M., and being so met, they shall first appoint, in such a manner as they may think proper, a moderator, who shall preside in said meeting, and cause due order to be observed. They shall then proceed to elect three trustees, a treasurer, a clerk and a collector, and such other officers as the corporation may find necessary, who shall hold their offices one year and until their successors shall be elected and duly qualified:

Annual  
meetings of  
the corpora-  
tion.To elect of-  
ficers.

**Proviso.** *Provided*, That if by any neglect or casualty, an election of the officers should not be made on the day appointed for the annual meeting, or in the event of a vacancy in any office, by death, removal or otherwise, the society may elect their officers, or supply such vacancy at any meeting of the corporation duly appointed.

**Elections to be by ballot.**

Sec. 5. *Be it further enacted*, That all elections of the corporation shall be by ballot, and the person having a majority of all the ballots given for any office, shall be considered duly elected; and all votes in society matters, shall be determined by a majority of the members acting in any meeting of the corporation duly assembled.

**Trustees to call meetings.**

Sec. 6. *Be it further enacted*, That all meetings of the corporation, either for the election of officers, or for the transaction of the other business of the society, shall be called by the trustees, or a majority of them, who shall cause notifications in writing to be posted up in three public places in said Worthington, at least fifteen days previous thereto, mentioning the time, place and object of such meeting.

**Notice to be given.**

**Trustees to make contracts, by-laws, etc.**

Sec. 7. *Be it further enacted*, That the trustees, or a major part of them, shall have power and authority to make all contracts in behalf of the corporation, which shall be necessary to carry into effect and accomplish the objects of the institution, and manage all pecuniary and prudential matters and other concerns, which pertain to the good order, interest and welfare of the society, and make such rules, regulations and by-laws for the government of the society and for regulating and conducting the affairs of the same, as shall from time to time be deemed necessary and expedient: *Pro-*

**Proviso.**

*vided*, That such rules, regulations and by-laws be not inconsistent with the laws of the United States or this state, and that the same, before they have effect, be approved of by the corporation: *Provided also*, That all monies which constitute

the funds of the society, shall be applied to such purposes only for which they shall have been appropriated by the corporation, or specifically given by the donor or devisor.

Sec. 8. *Be it further enacted*, That whenever any person shall wish to become a member of said society, he shall have a right so to do, by applying to the clerk and subscribing his name to the by-laws and ordinances adopted for the government of the corporation, and thereupon he shall become a member, fully entitled to a participation of all the privileges and immunities, and subject to all the rules and determinations of the corporation, in common with the original subscribers, so long as he shall continue a member; and furthermore, whenever any person that now is, or that shall hereafter become a member of said society, shall wish to withdraw himself from the corporation, he shall have full right and power so to do, by lodging a certificate, under his hand and seal, with the clerk, stating such his wish, and that he is not therefore to be considered as a member: And the clerk immediately, on the receipt of any such certificate, shall endorse thereon the date when received, and record as soon as convenient, both the certificate and endorsement at length, in a book provided for that purpose by the corporation. And the clerk (if required) shall give to any person withdrawing from the society as aforesaid, a writing under his hand and seal, acknowledging the receipt of such certificate, and that without any fee or reward from such applicant.

Sec. 9. *Be it further enacted*, That the treasurer shall give bond with sufficient surety, to the trustees and their successors in office, in such sum as the trustees shall deem sufficient, conditioned for the faithful performance of those duties that may appertain to his office, by the rules, regulations and by-laws of the corporation. All process against the corporation shall be by summons, and

A person wishing to become a member, how to apply.

Wishing to withdraw to lodge a certificate with the clerk, etc.

Clerk's duty.

Treasurer to give bond and surety to the trustees.

Condition thereof.

Process, how served.



the service of the same shall be by leaving an attested copy thereof with the treasurer of the corporation, at least twenty days before the return.

Officers of  
the corpora-  
tion.

Their con-  
tinuance in  
office.

Sec. 10. *And be it further enacted*, That James Kilbourn, Ezra Griswold and Thomas Palmer be, and they are hereby appointed trustees; Ezra Griswold clerk, and Samuel Beach treasurer of the corporation; to continue in office until the first Monday after Easter Sunday next, and till others are elected and qualified in their place. And the said first Monday after Easter Sunday next, is hereby appointed for the first annual election of said corporation.

Commence-  
ment.

This act to take effect and be in force, from and after the passage thereof.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 27th, 1807.

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## CHAPTER XI.

*An act to amend an act entitled, "An act defining the duties of persons taking up estray animals, and securing to the owners boats and other water crafts found going adrift."*

Justice on  
receiving a  
description,  
etc.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That whenever any horse, mare or gelding is taken up pursuant to the above recited act, it is hereby made the duty of any justice of the peace within twenty days after he receives a description and valuation from the householders appointed to view, value and describe the same, agreeable to the provisions of the aforesaid act, to transmit a certified copy thereof, by post or other-

wise, to some printer within this state, with a request to such printer to insert the same in his newspaper for three weeks successively. And the taker up of every horse, mare or gelding shall deposit with such justice the sum of one dollar, to be paid by the justice to the printer who publishes the same, and also the sum of twenty-five cents for the expense of conveying the copy aforesaid to the printer.

To have the same advertised in a newspaper, etc.

The taker up to deposit fees with the justice.

Sec. 2. *Be it further enacted*, That any constable who exposes any estray to sale pursuant to the aforesaid act, shall give a credit of nine months to the purchaser for the amount of what such property sells for more than will pay the expense of taking up, posting and keeping, and it is hereby made the duty of the constable to take an obligation from the purchaser, with one or more securities, resident within the township, payable to the township treasurer or his successor in office, and deliver the same to the said treasurer for the use of the township in which the estray is taken up; and each treasurer to whom bond is given as aforesaid, is hereby authorized and empowered to sue for, recover and receive for the purposes aforesaid, all monies due thereon: *Provided always*, That when any property is sold as aforesaid, and the owner shall claim the same within two years, and prove his, her or their right thereto, to the satisfaction of a justice of the peace of the proper township, the justice shall issue his order to the treasurer, requiring him to sign over the obligation to such claimant for his use, or pay over the money if paid into the treasury on such bond, agreeable to the provisions of the before recited act.

Constables exposing estrays to sale, their duty.

Township treasurer's duty.

Proviso.

Where the owner makes claim within two years.

Sec. 3. *Be it further enacted*, That any person who takes up any horse, mare or gelding, as an estray, and shall in any manner work or ride the same, such person shall be debarred from re-

Penalty on persons taking up an estray, riding

or working  
the same. ceiving any compensation for keeping such  
estrays.

Treasurers  
to pay over  
all moneys.  
etc., to their  
successors. Sec. 4. *Be it further enacted*, That the several  
township treasurers shall pay over all moneys in  
their hands belonging to the treasury, and also  
deliver all books to their successors in office.

Repealing  
clause. Sec. 5. *And be it further enacted*, That so much  
of the act, to which this is an amendment, that  
is contrary to the provisions of this act, be and  
the same is hereby repealed.

Commence-  
ment. This act to take effect and be in force, from and  
after the first day of May next.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 24th, 1807.

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## CHAPTER XII.

*An act for incorporating a library society in the town  
of Granville, in the county of Fairfield.*

Officers ap-  
pointed. Sec. 1. *Be it enacted by the general assembly of  
the state of Ohio*, That Timothy Rose, Timothy  
Spelman, Elias Gilman, Samual Thrall, Job Case,  
Samuel Rose, Samuel Bancraft, John Duke,  
Hiram Rose and Jeremiah R. Munson be, and  
they are, together with such others as shall be  
by then hereafter admitted, created and made a  
corporation and body politic, with perpetual suc-  
cession, and shall hereafter be known by the  
name and title of "GRANVILLE ALEXANDRIAN  
SOCIETY," and shall be capable in their corpo-  
rate capacity, of contracting and being contract-  
ed with, of suing and being sued, of pleading  
and being impleaded, to answer and be answered,

Their style  
and powers.

defend and be defended, in any court in this state or elsewhere; shall have a common seal which they may revoke and alter at pleasure, and shall have power to ordain, establish and put in execution such by-laws, ordinances and regulations as they shall deem most proper for the good government of the corporation: *Provided*, said by-laws, ordinances and regulations are not incompatible to the constitution and laws of the state, subject however, to such rules and regulations as the legislature from time to time may think proper to make.

To have one common seal.

Proviso.

Sec. 2. *Be it further enacted*, That the corporation be and hereby is made capable in law, to hold any estate real or personal, and the same to sell, grant or dispose of, or bind by mortgage, or in such other manner as they shall deem most proper for the best interest of the corporation: *Provided*, That the express purpose and intent of any gift or grant be answered.

Power of the corporation.

Proviso.

Sec. 3. *Be it further enacted*, That there shall be held a meeting of the members of the corporation on the first Tuesday of March, annually, in the town of Granville aforesaid; the first meeting to be held at the school-house in said town, afterwards at such place or places in said town as the corporation shall from time to time direct; where a chairman and clerk shall first be chosen, and not more than seven and not less than three directors and such other officers as the corporation may deem necessary for their good government, who, and each of whom shall give such security to the corporation, for the faithful discharge of their trust as shall be required, and shall continue in office one year and until their successors are duly chosen and qualified. All process against the corporation shall be served by leaving an attested copy of the writ with one or more of the directors. The directors or a majority of them, shall have power to put in execution all by-laws, ordinances

Members to meet on first Tuesday of March, annually.

To choose officers.

Service on the corporation, how made.

and regulations. All by-laws, ordinances and regulations shall be passed at the annual meeting, by a majority of the votes of the members present:

Proviso.

As to taxing shares.

Members have a vote for each share.

*Provided*, That before any tax be laid on shares, a notice shall be given in writing and read aloud by the presiding officer, at one or more previous annual, semi-annual, quarterly or monthly meeting, specifying the intention, and shall be passed by a majority of the votes of the members of the corporation, in which case each member shall be entitled to a vote for each share he or she may possess therein.

Directors appointed.

Sec. 4. *And be it further enacted*, That Timothy Rose, Timothy Spelman, Elias Gilman, Samuel Thrall and Job Case, be, and they are hereby appointed directors until the first annual meeting of said corporation.

Commencement.

This act shall take effect and be in force, from and after the passage thereof.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 26th, 1807.

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## CHAPTER XIII.

*An act to incorporate the Cincinnati University.*

Body politic and corporate established.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That John S. Gano, Joseph Vanhorn, Matthew Nimmo, William Shatton, Jacob Burnet, James Ewing, Thomas Ramsey, Ethan Stone, Elmor Williams, David E. Wade, John Riddle, Stephen Wood, William M'Farland, Joseph Delaplane, Elias Glover, Isaac Anderson, Charles Kilgore, James Ferguson, Joel Craig,

Henry Disbrow, Jacob Williams, William Betts, David Christy, Martin Baum, Edward H. Stall, William Ramsay, Alexander M'Nutt, William Ruffin, David L. Carney, Thomas Dugan, John O'Ferril, Nehemiah Hunt, Ezekiel Hall, Thomas Stansberry, Joseph Prince, Daniel Symmes, Hugh Moore, Hugh M'Clelland, Robert Caldwell, John Bradburn, Alexander King, John W. Browne, Simon M. Stockdill, Samuel Patterson, John Smith, Isaac Dexter, Philip Price, William Wallace, Joel Williams, and their associates for the time being, be, and they are hereby declared a body politic and corporate in law, by the name of the CINCINNATI UNIVERSITY, and as such shall remain and have perpetual succession, subject, however, to such alterations and regulations as the legislature may, from time to time, think proper to make.

Name and style.

Sec. 2. *Be it further enacted*, That the said corporation, by the name, style and title aforesaid, shall hereafter be capable in law to sue and be sued, pleaded and be impleaded, answer and be answered unto, defend and be defended, in any court or courts whatsoever, within the state of Ohio or elsewhere, in all manner of suits, actions, complaints, pleas, causes, matters and demands, of whatsoever kind or nature they may be, in as full and effectual a manner as any person or persons, bodies politic or corporate, may or can do.

May sue and be sued, etc.

Sec. 3. *Be it further enacted*, That all and singular the lands, tenements, rents, annuities, rights or privileges, or any goods, chattels or other effects, of what kind or nature soever, which hath, shall or may hereafter be given, granted, sold, bequeathed or devised unto them by any person or persons, bodies politic or corporate, capable of making such gift, grant, sale or bequest, and shall have power to appropriate any funds belonging to said corporation, in improving the present uni-

Corporation may receive donations, etc.

And appropriate the same.

versity, and making further improvements on the tract of land thereunto now belonging, or for educating poor children and supporting the same, or for paying the salaries or charges of such persons as are employed for the benefit of the institution.

Officers to be chosen on the third Tuesday of May, annually.

Sec. 4. *Be it further enacted,* That there shall be elected, annually, by the corporation, on the third Tuesday in May, nine trustees, a treasurer, a clerk and a collector, and such other officers as the said corporation may find necessary from time to time to appoint, who shall hold their offices one year, and until their successors shall be duly elected and qualified: *Provided,* That if by neglect or casualty an election of the officers should not be made on the day appointed for the annual election, or in the event of a vacancy of any office by death, removal or otherwise, the corporation may elect their officers or supply such vacancy at any meeting of the incorporation duly assembled.

Elections to be by ballot.

Sec. 5. *Be it further enacted,* That all elections of the corporation shall be by ballot, and the person or persons having the majority of the ballots given for any office, shall be considered duly elected. Every member shall have equal suffrage, and any person paying ten dollars towards the institution, shall be entitled to a certificate for one share, which shall entitle the person, his or her heirs or assigns, to all the liberties and privileges of a shareholder. And all matters of the corporation shall be determined by a majority of the members present.

Persons paying ten dollars entitled to a certificate, etc.

Trustees to call meetings.

Sec. 6. *Be it further enacted,* That all meetings of the corporation, either for the election of officers or for transacting other business, relative to the institution aforesaid, shall be called by the trustees or a majority of them, who shall cause notice thereof to be given of the time, place and object of such meeting, by having it inserted at

Notice to be given.

least fifteen days previous to such meeting, in one or more newspapers printed in Cincinnati.

Sec. 7. *Be it further enacted*, That the trustees or any five of them, shall have power and authority to make all contracts in behalf of the corporation, and dispose of any funds thereunto belonging, but not until after a meeting regularly called of said corporation shall approve such contract or make such appropriation: *Provided*, That if any officer of said corporation shall abuse any power or trust vested in him, whereby damage to the institution shall be sustained, he or they so offending, shall be liable to the said corporation for such damage so sustained, to be recovered by an action of debt.

Five or more of the trustees may make contracts, etc.

Proviso.

Sec. 8. *Be it further enacted*, That the said trustees shall have power to make such rules, regulations and by-laws, for the government of the institution and carry the same into effect, as shall from time to time be deemed necessary: And the corporation is authorized to have one common seal, and the same to alter and renew at pleasure.

Trustees may make rules, etc.

And have one common seal.

Sec. 9. *Be it further enacted*, That the treasurer shall give bond with sufficient surety to the trustees and their successors in office, in such sum as the said trustees shall deem sufficient, conditioned for the faithful performance of those duties that may appertain to his office, by the rules, regulations and by-laws of the corporation. All process against the corporation shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the treasurer of the corporation, at least thirty days before the return.

Treasurer to give bond.

Condition thereof.

Process, how served.

Sec. 10. *And be it further enacted*, That Joseph Vanhorn and Joseph Prince or either of them be, and they are hereby authorized and empowered to appoint the time and place of the first meeting of the said corporation, for the election of officers, of which meeting he shall give such

Person or persons authorized to call the first meeting.



notice as is directed in the sixth section of this act.

**Commence-  
ment.**

This act to take effect and be in force, from and after the passage thereof.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 23d, 1807.

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#### CHAPTER XIV.

*An act to amend the several acts regulating the public salt works.*

**An agent to  
be ap-  
pointed.**

**Term of ser-  
vice when  
to com-  
mence.**

**To report  
annually to  
the general  
assembly,  
etc.**

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That there shall be an agent appointed to superintend the Scioto salt works, agreeable to the provisions and under the restrictions of the first section of the act, entitled, "An act regulating the public salt works," whose time of service shall commence from and after the first day of May next, and shall make out and report, annually, to the general assembly, an accurate map of the township, showing the different wells, improved lots and wood lots, with the quantity of land from which the timber is taken, and also to lay off one hundred acres of land into lots of not more than ten acres each, for cultivation, adjoining to the place where new wells have been sunk and furnaces erected, about two and a half miles from the center of the township, and the agent is hereby required to govern himself agreeable to the above recited acts and this act.

**Rules to be  
observed by**

Sec. 2. *And be it further enacted*, That the agent shall not lease a lot to any person except the

occupier of a well and furnace, nor but one of each of them prior to the first day of June next; but if all the lots shall not be leased by the time aforesaid, he shall thereafter lease the lots not taken, to any person applying: *Provided*, That no person shall hold or possess more than one lot at the same time.

the agent in leasing lots, etc.

Sec. 3. *And be it further enacted*, That if the agent shall make distress and sale agreeable to the provisions of the act, entitled "An act regulating the public salt works," he shall set up and sell two kettles at a time, until he sells to the amount of the rent due and owing on said furnace, which sale shall vest in the purchaser a proportion of the well and furnace equal to the capacity of the kettles purchased.

Rule to be observed in making distress and sale.

This act to take effect and be in force, from and after the passage thereof.

Commencement.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.  
THOMAS KIRKER,  
Speaker of the senate.

January 24th, 1807.

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## CHAPTER XV.

### *An act regulating enclosures.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That whenever the fields, meadows, lots or other enclosures of any two or more persons, are divided by a fence or palings of any kind; such fence or palings shall be erected and kept in repair at the joint and equal expense of the parties owning the enclosures, on each side of such fence or palings: *Provided always*, That when either of the parties thinks proper to vacate such field, meadow, lot or other enclosure, that he shall

Enclosures belonging to different persons divided by a fence, etc., to be kept up mutually, etc.

Proviso.

be released from the before recited provisions of this act.

Persons adjoining a fence, etc., to pay half the expense.

Sec. 2. *Be it further enacted*, That in all cases where a fence or palings has been or hereafter may be erected by any person on the line of his, her or their land, or that on which he, she or they may have a lease, and the person owning or leasing the land adjoining thereto, shall make or cause to be made, an enclosure or enclosures on the opposite side of such fence or palings, so as the same may answer the purpose of enclosing one side of his, her or their field, meadow, lot, or other enclosure; such person or persons, shall pay to the person erecting such fence, one-half the value thereof, to be adjudged and assessed by the fence viewers of the township in which such fence is situate, and recovered by action of debt, before any court having competent jurisdiction thereof.

How to be adjudged and recovered.

Where parties cannot agree, fence viewers to determine.

Sec. 3. *Be it further enacted*, That wherever the parties concerned, as in the first section of this act mentioned, cannot agree between themselves on the part or portion of such fence or palings by each party to be kept in repair, either party may apply to the fence viewers of the township in which such fence is situate, who shall proceed, on application as aforesaid, to view and assign to each party his, her or their equal part of such fence or palings, by him, her or them, to be kept in complete repair, which decision shall be final and conclusive between the parties; and the said fence viewers shall be entitled to demand and receive, for each day's service to be rendered as aforesaid, seventy-five cents each, to be paid in an equal proportion by the persons interested

Their compensation.

Horses, etc., trespassing.

Sec. 4. *And be it further enacted*, That if any horses, neat cattle or other beasts, shall injure or trespass on the ground or enclosure of any person, in consequence of any partition fence erected as aforesaid, not being a sufficient and legal fence; the person failing or neglecting to keep his part of

such partition fence in complete repair, shall forfeit and pay to the person injured, all damages thus sustained, which shall be assessed by three judicious men, to be appointed by a justice of the township, and recovered by action of debt, before any court proper to try the same.

Damages,  
how as-  
sessed and  
recovered.

This act shall take effect and be in force, from and after the first day of May next.

Commence-  
ment.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 24th, 1807.

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## CHAPTER XVI.

*An act for the confinement of prisoners under the authority of the United States, in the jails of this state.*

WHEREAS, it hath heretofore been recommended by congress to the legislatures of the several states, to pass laws, making it expressly the duty of the keepers of the jails, to receive and safe keep therein, all prisoners committed under the authority of the United States, until they shall be discharged by due course of the laws thereof, under the like penalties, as in the case of prisoners committed under the authority of such states respectively: The United States to pay for the use and keeping of such jails, at the rate of fifty cents per month, for each prisoner, who shall, under their authority be committed thereto, during the time such prisoners shall be therein confined; and also, to support such of said prisoners, as shall be committed for offenses; therefore,

Preamble.

Sheriffs or keepers of jails to receive prisoners, etc.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the sheriff or keeper of every jail in any county of this state, shall be, and he is hereby authorized and required to receive all prisoners committed to his custody by the authority of the United States, and to keep them safely until discharged by due course of the laws of the same. And if any sheriff or jailer shall neglect or refuse to perform the services and duties required of him by this act, or shall offend in the premises, he shall be liable to the like penalties, forfeitures and actions, as if such prisoner or prisoners had been committed under the authority of this state:

*Provided*, That every prisoner, who shall be committed for any offense by the authority of the United States, shall be supported at the expense of the same, during his or her confinement in said jail.

Penalty for neglect, etc.

Proviso.

Their duty on the first of January, annually, to make out a list of the names of persons committed, etc.

Sec. 2. *And be it further enacted*, That the sheriff or keeper of every jail shall, on the first Monday of January, annually, make out under oath or affirmation, the name or names of all prisoners who, within the year then last past, shall have been committed to his custody, under the authority of the United States, and the time that he, she or they, shall have been respectively confined, with an account of the expense thereof, at fifty cents per month, for the use and keeping of such jail, for every person so committed, together with an account of their subsistence, at the rate established by law for state prisoners, unless provided for by the United States, and transmit the same to the auditor of this state, who is hereby authorized and required to draw on the treasurer of this state, who shall pay the said account, out of any public money in his hands not otherwise appropriated; and the said auditor is hereby required to exhibit the several accounts by him received as aforesaid, against the United States, on or before the last day of March, annually, for allowance.

Auditor to draw on the treasurer for the amount of expense,

and exhibit the accounts.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.  
THOMAS KIRKER,  
Speaker of the senate.

December 20th, 1806.

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CHAPTER XVII.

*An act establishing the permanent seat of justice in the county of Highland.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the place fixed on by the commissioners appointed, agreeably to the resolution on the subject of appointing commissioners to establish the seat of justice in the county of Highland, passed the twenty-second day of January, one thousand eight hundred and six, is hereby declared to be the seat of justice in and for the county aforesaid, and that the court of common pleas in and for the said county shall, at their February term next, proceed to appoint a director, who shall, in all respects, be governed by the provisions of the act, entitled "An act establishing seats of justice."

Commissioner's report confirmed.

Court to appoint a director.

How governed.

Sec. 2. *And be it further enacted,* That from and after the first day of October next, all the courts to be holden in and for the said county, shall be holden in the place fixed on by the commissioners in pursuance of the above recited resolution; and all officers and other persons concerned, shall and are hereby required to govern themselves accordingly.

Courts to be held after first of October next at the place fixed on by the commissioners.

This act shall commence and be in force, from and after the passing thereof.

Commencement.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.  
THOMAS KIRKER,  
Speaker of the senate.

January 6th, 1807.

## CHAPTER XVIII.

*An act to raise money, by way of lottery, to improve the navigation of the Cuyahoga and Muskingum rivers.*

Commissioners. Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That Samuel Huntingdon, Bazaleel Wells, Jonathan Cass, Seth Adams, Amos Spafford, John Walworth, Zaccheus A. Beatty, Lorenzo Carter, John Shorb, James Kingsbury, Turhand Kirkland, Timothy Doane, be, and they are hereby appointed commissioners, and authorized to raise, by way of lottery, a sum not exceeding twelve thousand dollars, to be applied in improving the Portage between the Cuyahoga and Muskingum rivers, also to improve the navigation of said rivers. A majority of the commissioners shall be sufficient to transact business.

Majority may do business.

Commissioners to take an oath, etc. Sec. 2. *Be it further enacted*, That each of said commissioners shall, previous to entering upon the duties of his office, take and subscribe an oath or affirmation, before some person authorized to administer the same, diligently and faithfully to perform the duties entrusted to them. And the said commissioners, previous to selling any tickets, shall publish the scheme of the lottery in one or more newspapers circulated in this state, and shall also give bond to the commissioners of Geauga county, in the sum of one hundred thousand dollars, conditioned for the faithful performance of their duty, as well in paying all prizes and prize money, as applying the money so raised for the purpose aforesaid; which bonds, duly executed, shall be lodged with the county commissioners, for the use of any person who may conceive himself injured by the misconduct of said commissioners.

To publish the scheme of the lottery and to give bond to the governor.

Condition thereof.

Three of the commis- Sec. 3. *Be it further enacted*, That three of the commissioners shall attend and superintend the

drawing of the said lottery each day, and when the whole is completed, shall cause an accurate list of the fortunate numbers in the lottery, to be published in three or more of the newspapers printed and circulated in this state, for one month, and also a list filed with the county commissioners; and they are hereby authorized to settle and adjust all accounts which may be exhibited by any person legally employed in carrying this act into effect.

Commissioners to attend the drawing.

When completed, to advertise.

Sec. 4. *Be it further enacted*, That the managers shall have power to divide such lottery into as many classes as they may judge expedient, and regulate the sale of the tickets and the drawing of the lottery, in such manner as they may deem necessary: *Provided*, the last class of the drawing of such lottery be completed on or before the first day of June, one thousand eight hundred and eleven: *And provided also*, That all prizes not demanded within one year after the publication of the fortunate numbers drawn in any class as aforesaid, such prize shall be deemed as relinquished for the benefit of the undertaking, and appropriated accordingly.

Drawing, when to commence and end.

Proviso.

Proviso as to prizes not demanded.

Sec. 5. *And be it further enacted*, That the said commissioners shall retain a sum not exceeding fifteen per cent., on all prizes drawn in said lottery for raising the sum aforesaid, for the purposes aforesaid.

Not to retain more than fifteen per cent.

This act shall take effect and be in force, from and after the passage thereof.

Commencement.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

February 3d, 1807.



## CHAPTER XIX.

*An act incorporating the first Presbyterian Society, in Cincinnati.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That Joseph Vanhorn, James Ewing, David E. Wade. Alexander M'Nutt, Isaac Anderson, Jacob Wheeler, John Riddle, John Roll, William Ruffin, Joseph Prince, Elmor Williams, Jacob Burnet, Henry Ewing, Thomas M'Farland, James Ferguson and Jacob Williams, and their associates for the time being, be, and they are hereby created and declared a body corporate and politic, by the name of the "FIRST PRESBYTERIAN SOCIETY," in Cincinnati, and as such, shall remain and have perpetual succession, subject, however, to such alterations and regulations as the legislature may, from time to time, think proper.

Members of the corporation.

Their style.

Capable of suing and being sued in their corporate capacity.

To have one common seal.

Their powers in receiving and acquiring property.

Limited.

Sec. 2. *Be it further enacted*, That the said society shall be capable in law, by the name aforesaid, of suing and being sued, pleading and being impleaded, in any action or suit, and in any court proper to try the same, and they are hereby authorized to have one common seal for the use of the corporation, and the same to alter and break, and to renew at their pleasure.

Sec. 3. *Be it further enacted*, That the said society shall be capable in law, in their corporate name aforesaid, of having, receiving, acquiring and holding, either by gift, grant, devise or purchase, any estate, real, personal or mixed, for the use of the said society, including the society's proportion of any rents arising from any lands, given or granted by the United States for religious purposes: *Provided*, That no subscription shall be binding on any subscriber for a longer term than one year: *And provided also*, That the clear annual income of all such property may not exceed

the sum of three thousand dollars, and that the aforesaid property, both real and personal, be considered as held in trust, under the management and at the disposal of said corporation, for the purpose of defraying the expenses incident to their mode of worship; of enclosing and keeping in repair their grave yards, and other lots, with the buildings thereon, and of affording such relief to the poor as their funds may, from time to time allow, and for no other purpose.

Money, etc  
how to be  
applied.

Sec. 4. *Be it further enacted*, That for the better regulating, ordering and governing the said society, and for managing the affairs and promoting the interest thereof; there shall be elected, annually, by the society, on the first Monday of April, not less than three, nor more than seven trustees, a treasurer, a clerk and a collector, and such other officers as the said society may find necessary, from time to time to appoint, who shall hold their offices for the term of one year, and until their successors shall be duly elected: *Provided*, That if by any neglect or casualty, an election of the officers should not be made on the day appointed for the annual election, or in the event of a vacancy in any office, by death, removal, or otherwise, the society may elect their officers, or supply such vacancy at any meeting of the corporation duly assembled.

Annual  
meetings of  
the corpora-  
tion to elect  
officers.

Their con-  
tinuance in  
office.

Proviso.

Sec. 5. *Be it further enacted*, That all elections of the corporation shall be by ballot, and the person or persons having the majority of the votes given for any office, shall be considered duly elected; every member shall have equal suffrage, and all society matters shall be determined by a majority of the members present, at any meeting of the corporation, duly assembled.

Elections to  
be by ballot.

Sec. 6. *Be it further enacted*, That all meetings of the corporation, either for the election of officers or for transacting other business of the society, shall be called by the trustees or a ma-

Trustees to  
call meet-  
ings.

Notice to be given.

jority of them, who shall cause notifications in writing, of the time and place of such meeting, to be put up at such public place or places, as they shall judge necessary, or have it inserted in a newspaper, published in Cincinnati: *Provided*, fifteen days notice shall be given previous to such meeting.

Trustees to make contracts, by-laws, etc.

Sec. 7. *Be it further enacted*, That the trustees, or a major part of them, shall have power and authority to make all contracts in behalf of the society, which shall be necessary to carry into effect and accomplish the objects of the institution, and manage all pecuniary and prudential matters, and other concerns which pertain to the good order, interest and welfare of the society, and make such rules, regulations and by-laws for the government of the society, and for regulating and conducting the affairs of the same, as shall from time to time be deemed necessary and expedient:

Proviso.

*Provided*, That such rules, regulations and by-laws be not inconsistent with the laws of the United States or this state, and that the same, before they have effect, be approved of by the corporation: *Provided also*, That all monies that constitute the funds of the society shall be applied by the trustees to those purposes only, for which they shall have been appropriated by the corporation, except when the money arises from a donation or devise, the application of which has been designated by the donor.

Treasurer to give bond and security to the trustees.

Sec. 8. *Be it further enacted*, That the treasurer shall give bond, with sufficient security, to the trustees and their successors in office, for such sum as the said trustees shall deem sufficient, conditioned for the faithful performance of those duties that may appertain to his office by the regulations and by-laws of the corporation. All process against the corporation shall be by summons, and the service of the same shall be by

Condition thereof.

leaving an attested copy thereof with the treasurer of the corporation, at least twenty days before the return.

Process how served.

Sec. 9. *And be it further enacted*, That Joseph Vanhorn be, and he is hereby authorized and empowered, to appoint the time and place of the first meeting of the said society, for the election of officers; of which meeting he shall give such notice as is directed in the sixth section of this act.

Joseph Vanhorn to appoint first meeting.

This act shall take effect and be in force, from and after the passage thereof.

Commencement.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 12, 1807.

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## CHAPTER XX.

*An act to incorporate the town of St. Clairsville, in the county of Belmont.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That so much of the township of Richland, in the county of Belmont, as is comprised in the plat of St. Clairsville, remaining on record in the office for recording deeds in said county, together with that part of said township laid out in addition to the said town of St. Clairsville, by William Mathers, the plat of the same being also on record in the recorder's office in and for said county, shall be, and the same is hereby erected into a town corporate, and shall henceforth be known and distinguished by the name of "the town of ST. CLAIRSVILLE," subject, however, to such alterations and restrictions as the legislature may, from time to time, think proper to make.

Boundaries.

**Officers to be chosen.**

Sec. 2. *Be it further enacted,* That for the better ordering and governing of the said town of St. Clairsville and the inhabitants thereof, there shall henceforth be in the said town, a president, recorder and five trustees, an assessor, collector, treasurer and town marshal, who shall be appointed and sworn as is hereafter directed; which president, recorder and trustees shall be one body corporate and politic, with perpetual succession, to be known and distinguished by the name of "the president, recorder and trustees of the town of St. Clairsville."

**Their style.**

**Power of the president, recorder and trustees.**

Sec. 3. *Be it further enacted,* That the said president, recorder and trustees, and their successors in office, shall be able to receive, acquire, hold and convey any estate, real or personal, for the use of the said town, and shall also be capable in law, by the name aforesaid, of suing and being sued, of pleading and being impleaded, in any action or suit, in any court within this state; and they are hereby authorized to have one common seal for the use and purpose of the said corporation, and the same to alter or break at their discretion.

**May sue and be sued.**

**And have one common seal.**

**Electors to assemble on the first Monday of April, annually, to elect officers.**

Sec. 4. *Be it further enacted,* That all the electors of the said town, who are free-holders or house-holders previous to the day of election, shall and may assemble at such place within the said town, as the president, recorder and three of the trustees shall appoint, on the first Monday of April, yearly and every year, and then and there, by a plurality of suffrages, to elect a president, recorder and five trustees, an assessor, a collector, treasurer and a town marshal, to hold their respective offices during one year, and from thence until their successors be elected and sworn; and each of the said officers shall, within ten days after notice of their appointment, take an oath or affirmation to support the constitution of the United States and of this state, and also an oath faithfully to discharge the duties of their respective offices,

**Who are to be sworn.**

before some person authorized to administer oaths or affirmation.

Sec. 5. *Be it further enacted*, That the said president, recorder and trustees shall be called and known by the name of "*The select council of the town of St. Clairsville*," and they, or any three of them, (whereof the president or recorder always to be one) shall have full power and authority, from time to time, or at any time, to hold a select council in the said town, at such place as the president, or in his absence the recorder, shall appoint, and to make and publish such laws and ordinances, in writing, and the same from time to time to alter or repeal, as to them shall seem necessary and proper for the health, safety, cleanliness, convenience and good government of the said town of St. Clairsville and the inhabitants thereof; to appoint one of their own body to administer all necessary oaths; to impose reasonable fines upon all persons who shall offend against the laws and ordinances made as aforesaid, and to levy and cause to be collected all such fines, by warrant under the hand of the president, or in his absence, of the recorder, and the seal of the council, directed to the marshal, who is hereby authorized and empowered to collect the same, by distress and sale of the goods and chattels, lands and tenements of the delinquents, and the same to pay to the treasurer of the select council, and it shall be the particular duty of the said select council, to adopt regulations for securing the town against injuries by fire; to cause the streets, lanes and alleys of the said town, to be kept open and in repair, and free from every kind of nuisance; to regulate markets, and if necessary, to appoint a clerk of the market, and to prevent any animals belonging to any of the inhabitants of the said town, from running at large in the streets, lanes or alleys of the said town, if in their opinion the interest or convenience of the town shall require

Style.

Select council empowered to make and publish laws, etc.

Administer oaths and impose fines.

To be collected by the marshal.

Duty of the council.

**Proviso.** such prohibition: *Provided*, That the laws and ordinances so to be made, shall be consistent with the laws and ordinances of this state.

**President, recorder, etc., may assess an annual tax, etc.** Sec. 6. *Be it further enacted*, That the said president, recorder and trustees, shall have power to assess an annual tax within the said town, for the purposes before mentioned, not exceeding, in any year, the sum of fifty cents on every hundred dollars value of taxable property therein; and the said president, recorder and trustees, or any three or more of them, shall have power to appoint a collector of such taxes, who shall give to the said president, recorder and trustees for the time being, and their successors, such bond and security for the collection and payment thereof, as are by law required of the collectors of the county levies, and shall have like authority in making his collections, and the president, recorder and trustees, shall allow such compensation for his trouble, as they shall deem necessary; and he and his securities, his and the executors and administrators, shall be subject to such proceedings, by motion or otherwise, before the court of the said county, for enforcing payment of such taxes, at the suit of the said president, recorder and trustees, as collectors of county levies are by law subject to for enforcing payment of the levies by them collected.

**To appoint a collector, who shall give bond and security** Sec. 7. *Be it further enacted*, That the select council shall have the power of filling all vacancies that may happen in any of the offices that are herein established and made elective, and the appointment so made, shall continue valid until the next annual meeting, and until their successors are elected and duly qualified; and it shall be lawful for the said council to appoint such other subordinate officers as they may think necessary, and who are not herein before mentioned, and to fix from time to time, such fees to the assessor, collector, marshal, and other subordinate officers of the corporation, and to impose such fines for

**Select council authorized to fill vacancies, etc.**

**Establish fees and impose fines.**

refusing to accept such offices, and for neglect or misconduct in the same, as to them shall seem necessary and proper.

Sec. 8. *Be it further enacted.* That if any person shall feel himself or herself aggrieved by any officer or individual of the council, it shall be lawful for such person to appeal to the court of common pleas, next to be holden in and for the said county, who are hereby authorized to hear such complaint, and to grant such relief, as to them shall be thought proper.

Persons aggrieved may appeal to the court of common pleas.

Sec. 9. *Be it further enacted,* That the said corporation shall be allowed the use of the county jail for the confinement of all such persons, as by the laws and ordinances of the corporation may be liable to imprisonment: *Provided,* That no person shall be imprisoned under the authority of the said corporation, unless for the non-payment of fines or penalties assessed or imposed; and all persons so imprisoned, shall be under the charge of the sheriff of the county.

Corporation to have the use of the common jail.

Sec. 10. *And be it further enacted,* That John Patterson be, and he is hereby appointed president; Sterling Johnston, recorder; Samuel Sullivan, marshal; Groves William Brown, John Brown and Josiah Dillon, trustees; Andrew Marshal, assessor; William Conglton, collector; James Colwell, treasurer, and Robert Griffith, town marshal, to hold their respective offices, and to perform and execute the duties thereunto appertaining, until the first stated meeting of the inhabitants of the said town, as herein before directed, and until their successors shall have taken the oaths prescribed and no longer. And the said officers shall respectively, take the oaths herein before prescribed, before they enter upon the duties of their respective offices.

Officers appointed for a certain time.

ABRAHAM SHEPHERD,

Speaker of the house of representatives.

THOMAS KIRKER,

Speaker of the senate.

January 20th, 1807.



## CHAPTER XXI.

*An act providing for the appointment of recorders in certain cases.*

Associate  
judge eldest  
in commis-  
sion, to give  
notice.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That in any county where there has been no recorder appointed under the laws of this state, it shall be the duty of the associate judge of said county, being the eldest in commission, forthwith to give notice in writing to the other two associates, notifying them of the time of meeting, at the place of holding courts in said county, for the purpose of electing a suitable person for recorder, and the said judges, or any two of them, when met, shall proceed to appoint a person, (having the qualifications of an elector) recorder of the county for the term of seven years, if he shall so long behave well, who shall be governed in all respects agreeably to the laws in force in this state regulating the duties of recorders: *Provided*, That it shall not be lawful for any associate judge to be appointed, or to hold the office of recorder.

Recorder to  
be appoint-  
ed for seven  
years.

Proviso.

Commence-  
ment.

This act to take effect and be in force, from and after the first day of May next.

ABRAHAM SHEPHERD,

Speaker of the house of representatives.

THOMAS KIRKER,

Speaker of the senate.

December 25th, 1806.

## CHAPTER XXII.

*An act appointing Daniel Evans and Joseph Swearingen agents for the heirs of James Trimble, deceased.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That Daniel Evans and Joseph

Swearingen be, and they are hereby constituted and appointed agents for the heirs of James Trimble, late of Woodford county and state of Kentucky, deceased; and they are hereby authorized and empowered to set off and convey, in fee simple, to Jane Trimble, of Highland county and state of Ohio, the widow and relict of the said James Trimble, deceased, in full satisfaction of her dower of all the lands and real estate of the said James Trimble, deceased, three hundred acres of land, part of the tract of twelve hundred acres, on which the said Jane Trimble now resides, situate in the county of Highland aforesaid. And the said agents are hereby authorized, by and with the advice and consent of the legal guardian or guardians of the said heirs, to survey and lay off the said three hundred acres, in such a manner and in such part of the said tract of twelve hundred acres, as will best suit the interest of the said Jane Trimble, not impairing or rendering less valuable the remainder of the tract, by the form of such survey.

Agents to  
execute.

Sec. 2. *Be it further enacted*, That the said agents shall convey the land so by them surveyed and set off, by deed of conveyance duly executed and signed by them as agents for the heirs of James Trimble, deceased, and the conveyance thus made and executed, shall be good and valid in law to all intents and purposes.

Conveyance  
how signed.

ABRAHAM SHEPHERD,

Speaker of the house of representatives.

THOMAS KIRKER,

Speaker of the senate.

January 24th, 1807.

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### CHAPTER XXIII.

*An act to amend the several acts establishing an University in the town of Athens.*

Sec. 1. *Be it enacted by the general assembly*

**Trustees to grant leases** *of the state of Ohio*, That the trustees of the Ohio University be, and they are hereby authorized to lease the appraised lots of land, lying in the two college townships, number eight and nine, in the fourteenth range of townships in the Ohio company's purchase, that have been appraised at a less value than one dollar and seventy-five cents per acre at six per cent. on the appraised value.

**And appoint appraisers.** Sec. 2. *Be it further enacted*, That the said trustees be, and they are hereby authorized to appoint appraisers, to appraise such parts of the aforesaid townships, as have not been heretofore appraised, whenever they may deem it expedient.

**Repealing clause.** Sec. 3. *And be it further enacted*, That so much of the act, entitled, "An act to amend the act, entitled 'An act establishing an University in the town of Athens,'" passed the twenty-first day of February, one thousand eight hundred and five, as is contrary to the provisions of this act be, and the same is hereby repealed.

**Commencement.** This act to take effect and be in force, from and after the passage thereof.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 23rd, 1807.

## CHAPTER XXIV.

*An act to amend an act, entitled "An act incorporating the trustees of the Erie Literary Society."*

**Trustees resident within the state to form a quorum.** Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That a majority of the trustees of the Erie Literary Society, residing within the state of Ohio, shall be sufficient to form a quorum

to transact business for said society; and all acts and business by them done and transacted, shall be obligatory and binding on said society.

Sec. 2. *And be it further enacted*, That so much of the second section of the above recited act, that requires a majority of the whole number of the trustees of said society to be necessary to transact any business for said society, be, and the same is hereby repealed. Repealing clause.

This act shall take effect and be in force, from and after its passage. Commencement.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

December 15th, 1806.

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## CHAPTER XXV.

*An act to amend an act, entitled "An act allowing mutual debts and demands to be set off, and concerning tenders."*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That when any defendant or defendants shall be indebted to any plaintiff or plaintiffs, in any debt, contract or demand, and shall fail to plead the general issue, and give in evidence the said debt, contract or demand, agreeably to the provisions of an act, entitled "An act allowing mutual debts and demands to be set off, and concerning tenders," the said defendant or defendants shall forever be barred from receiving any costs upon any suit which may thereafter be instituted upon the said debt, contract or demand. Defendants failing to plead, etc., to be barred, etc.

Sec. 2. *And be it further enacted*, That whenever it shall be made to appear to the court or jury, Where defendant has

made a tender etc., interest to cease, etc.

that the defendant did actually tender such article or thing, work or labor, as by his agreement, contract or promise, he was holden to do or perform, then and in such case, all interest on such agreement, promise or contract, shall cease, and the plaintiff shall moreover be liable for the charge of keeping such article or articles, and shall also lose all damage that any perishable property may sustain: *Provided*, the defendant take reasonable care of the same.

Proviso.

Commencement.

This act shall take effect and be in force, from and after the first day of May next.

ABRAHAM SHEPHERD,

Speaker of the house of representatives.

THOMAS KIRKER,

Speaker of the senate.

January 1st, 1807.

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## CHAPTER XXVI.

*An act supplementary to an act, entitled "An act for the recovery of money secured by mortgage."*

*Be it enacted by the general assembly of the state of Ohio*, That all money secured by mortgage, executed prior to the taking effect of the act now in force, entitled "An act for the recovery of money secured by mortgage," be, and the same is hereby made recoverable in the same manner that money secured by mortgage was made recoverable by the laws in force at the time such mortgage was executed; any law, usage or custom to the contrary notwithstanding.

ABRAHAM SHEPHERD,

Speaker of the house of representatives.

THOMAS KIRKER.

Speaker of the senate.

January 20th, 1807.

## CHAPTER XXVII.

*An act for the relief of Hannah Burk.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That Hannah Burk be, and she is hereby divorced from the bonds of matrimony with her husband, Thomas Burk; and the said bonds of matrimony between the said Hannah and Thomas, are hereby dissolved, annulled and made void.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 26th, 1807.

## CHAPTER XXVIII.

*An act for raising, by way of lottery, money to repair and secure the bank of Scioto, on which the town of Chillicothe is built.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That Samuel Finley, Duncan M'Arthur, Isaac Cook, William Creighton, Sr., John Carlisle, John Kerr, George Renick, Nathaniel Massie and Nathaniel Willis, be, and they are hereby appointed commissioners to raise, by way of lottery, a sum not exceeding twelve thousand two hundred and fifty dollars, to be applied in improvements, for the securing the bank of the Scioto river, along and adjoining the town of Chillicothe, and a majority of the said commissioners shall have power and authority in all cases to transact business.

Commissioners.

A majority may act.

Sec. 2. *Be it further enacted*, That each of said

Commissioners to take and subscribe an oath.

commissioners shall, previous to entering upon the duties of his office, take and subscribe an oath or affirmation before the clerk of the court of common pleas of Ross county, diligently and faithfully to perform the duties entrusted to him. And the said commissioners shall previous to their

To publish a scheme of the lottery and enter into bonds to the governor, etc.

selling any tickets, publish the scheme of the lottery, in one or more public newspapers published within this state, and shall enter into bonds to the governor of this state and his successors in office, in the sum of one hundred thousand dollars, conditioned for the faithful discharge of their duty

Condition thereof.

as well in the paying all prizes and prize money, as applying the money so raised for the purposes aforesaid, which bonds, when duly executed, shall be lodged in the secretary of the state's office, for the use of any person aggrieved by the neglect or misconduct of the said commissioners.

Bonds lodged in the secretary's office.

Commissioners, at least three to attend the drawing.

Sec. 3. *Be it further enacted,* That at least three of the commissioners shall attend and superintend the drawing each day, and when the whole is completed, shall cause an accurate list of the

Fortunate numbers to be advertised.

fortunate numbers in the lottery, to be published in one of the newspapers in Chillicothe, Cincinnati and Steubenville, three weeks successively, and also a list filed in the secretary's office; and they

To adjust accounts, etc.

are hereby authorized to settle and adjust all accounts which may be exhibited by any person or persons legally employed in carrying this act into effect.

Drawing, when to commence, etc.

Sec. 4. *Be it further enacted,* That the commissioners shall commence the drawing the said lottery on or before the first day of June, eighteen hundred and eight, and the drawing shall be fully completed within ninety days from the time of

When to end.

commencing the same; and ten days after the drawing of the lottery shall be completed, they

Prizes, when to be paid. Proviso.

shall pay all prizes to any person or persons legally entitled thereto, when demanded: *Provided nevertheless,* That all prizes not demanded with-

in one year after the publication aforesaid, shall be considered as relinquished for the benefit of the improvements aforesaid, and shall be applied by the commissioners for the purposes herein mentioned.

Sec. 5. *And be it further enacted*, That the commissioners shall not be permitted to retain a greater sum than fifteen per centum upon the whole prizes contained in said lottery.

Not more than fifteen per cent. to be retained.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 27th, 1807.

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## CHAPTER XXIX.

### *An act to prevent private lotteries.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That no person or persons shall, without a special act of the legislature, within this state, open, set on foot, carry on, promote, draw or make publicly or privately, any lottery, game or device of chance of any nature or kind whatsoever, or by whatever name, denomination or title it may be called, known or distinguished, or shall by such ways or means, expose or set to sale any houses, lands, tenements or real estate, or any goods, wares or merchandises, cash or other thing or things whatsoever; and that every person, who shall offend in the premises against the true intent and meaning of this act, and shall thereof be convicted in the court of common pleas, in the county in which such offense was committed, shall be fined in a sum not exceeding five thousand dollars, to be paid into the treasury of the county in which such conviction shall take place.

Penalty for setting on foot private lotteries.



For selling  
or bartering  
tickets, etc.

Sec. 2. *Be it further enacted*, That if any person or persons shall vend, sell or barter, or offer to vend, sell or barter any ticket or tickets of such lottery or device of chance, or be any ways concerned in such lottery, game or device of chance, either by printing or writing or publishing an account thereof, or where tickets may be had or obtained for the same, or be in any wise aiding in the same; every person shall, on conviction thereof, as above mentioned, in the event before mentioned, forfeit and pay for every such offense, a sum not exceeding twenty dollars and the costs of prosecution, to be levied and applied in like manner, as is directed with respect to other forfeitures herein before mentioned.

Penalty  
therefor.

Grand juries,  
their duty  
under this  
act.

Sec. 3. *And be it further enacted*, That the grand juries in the several counties in this state, shall, at the several terms of the courts of common pleas in their respective counties, make strict enquiry and present every person who shall offend against the provisions of this act, by information on indictment. And it is further made the duty of the presidents of the courts of common pleas, and in case of their absence, the senior associate judges at each term, especially to give this law in charge to them.

President  
and senior  
associates,  
their duty  
under this  
act.

Commence-  
ment.

This act shall take effect and be in force, from and after the first day of May next.

ABRAHAM SHEPHERD,

Speaker of the house of representatives.

THOMAS KIRKER,

Speaker of the senate.

January 30th, 1807.

## CHAPTER XXX.

*An act for the relief of Fanny White.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the auditor of public ac-

counts is hereby authorized and required to issue bills redeemable at the treasury of this state, to Fanny White, widow and relict of Benjamin White, deceased, late of Franklin county, to the amount of one hundred and twenty-six dollars and eleven cents. And the commissioners of Franklin county, are hereby authorized and required, to give Fanny White an order on the treasury of said county, for the amount of thirty-nine dollars and ninety-four cents, which sum was improperly paid into said treasury, by said White.

Auditor to issue bills.

Amount.

Commissioners of Franklin county to give an order on the treasury.

This act shall take effect and be in force, from and after the passage thereof.

Commencement.

ABRAHAM SHEPHERD,

Speaker of the house of representatives.

THOMAS KIRKER,

Speaker of the senate.

January 20th, 1807.

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## CHAPTER XXXI.

*An act giving encouragement for manufacturing salt at the public salt springs in the United States' military district.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That Moses Bixby, of Berkshire township, in the county of Franklin, or any other person whom he may nominate and appoint, be authorized to make a complete examination of the salt springs in the first quarter of the fifth township, in the eighteenth range of the United States' military land. And in order to ascertain the quantity and strength of the water that probably may be had at the said salt springs, the said Bixby or his agent is hereby authorized to sink wells and erect a furnace for the purpose of manufacturing salt.

Moses Bixby or any person appointed by him may sink wells, etc.

Sec. 2. *Be it further enacted*, That the aforesaid  
 Take timber, Moses Bixby shall have the privilege of taking  
 and have the use of the wells, etc., rent free for seven years. timber off the quarter section aforesaid, for fuel  
 and making the necessary buildings for those who  
 may be employed in making salt, at the salt  
 springs aforesaid, and that the said Bixby shall  
 have the use and occupancy of the wells and fur-  
 nace aforesaid, seven years free from rent, as a  
 consideration for the expense and trouble he may  
 be at in trying the experiment: *Provided*, That  
 Proviso. the said Moses Bixby or his agent shall not have  
 the privilege of working at any time at greater  
 number of kettles or other vessels in boiling salt  
 water in the furnace aforesaid, than will contain  
 four thousand gallons.

To make re-  
 port to the  
 next legisla-  
 ture.

Sec. 3. *And be it further enacted*, That the  
 aforesaid Moses Bixby shall make report to the  
 next general assembly, within ten days after the  
 commencement of the same, of his discoveries  
 and proceedings, of the situation of said springs,  
 the strength and quantity of the water that  
 probably may be had, and such other information  
 concerning the premises, as may be in his power  
 to give.

Commence-  
 ment.

This act shall take effect and be in force, from  
 and after the passage thereof.

ABRAHAM SHEPHERD,  
 Speaker of the house of representatives.

THOMAS KIRKER,  
 Speaker of the senate.

January 31st, 1807.

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## CHAPTER XXXII.

*An act for the division of Montgomery county.*

Sec. 1. *Be it enacted by the general assembly of  
 the state of Ohio*, That all that part of the county  
 of Montgomery within the following boundaries,

be, and the same is hereby laid off and erected into a separate and distinct county, which shall be called and known by the name of MIAMI, to-wit: Beginning at the southwest corner of Champaign county, and southeast corner of section number one, in township number two, and range number nine; thence west with the line between the eighth and ninth ranges to the Great Miami river, crossing the same in such direction, as to take the line on the bank of the said river, between townships number three and four, in range number six, west of the said river; thence west with the said line to the state line; thence north with the same to the Indiana boundary line; thence east with the same to Champaign county line; thence south with the said county line to the place of beginning.

Boundaries.

Sec. 2. *Be it further enacted*, That from and after the first day of April next, said county of Miami shall be vested with all the powers, privileges and immunities of a separate and distinct county: *Provided*, That it shall be lawful for the coroner, sheriff, constables and collectors of Montgomery county, to do and perform all the duties, which they are or may be required to do, in the said county of Montgomery, within the bounds of the said county of Miami, and all suits and actions which are or may be pending therein at the time of the said division, shall be tried and determined in the same manner as though a division had not taken place.

Commencement of the county.

Proviso.

As to actions, etc., depending.

Sec. 3. *Be it further enacted*, That all the inhabitants of that part of the county of Miami, who live west of the middle of the fourth range, shall be exempt from paying any taxes for the purpose of erecting public buildings in said county.

Part of the county exempt from taxation.

Sec. 4. *Be it further enacted*, That all justices of the peace and other township officers residing within the limits of the said county of Miami, shall continue to exercise the duties of their re-

Justices, etc., continued in office.

spective offices until successors are chosen and qualified.

Staunton,  
temporary  
seat of  
justice.

Sec. 5. *And be it further enacted*, That the courts to be held in the said county of Miami, shall be holden in the town of Staunton, until a permanent seat of justice shall be established in said county.

Commence-  
ment.

This act shall take effect and be in force, from and after the first day of March next.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 16th, 1807.

### CHAPTER XXXIII.

*An act appropriating money for a certain purpose.*

Preamble.

WHEREAS, the time of the resignation of William Sprigg, Esquire, late judge of the supreme court of this state, leaves a fractional part of a quarter salary, between his resignation and the date of the temporary commission issued to George Tod, Esquire, to serve in the room of the said William Sprigg, Esquire, of seventy-five dollars. And whereas George Tod, Esquire, having performed one entire circuit of the supreme court for the last year, and performed the several duties required of a supreme judge for said year: Therefore,

Auditor to  
issue bills,  
seventy-five  
dollars to  
George Tod,  
Esq.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the auditor be, and he is hereby authorized and required to issue bills in favor of George Tod, Esquire, for the sum of seventy five dollars, payable by the treasurer of state, out of any money not otherwise appropriated.

Commence-  
ment.

This act shall take effect and be in force, from and after the passage thereof.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 9th, 1807.

CHAPTER XXXIV.

*An act authorizing county commissioners to recover debts due to their respective counties.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the commissioners of the several counties in this state be, and they are hereby authorized and required to ask, demand and recover by suit or otherwise, any sum or sums of money or other property due such county, by any individual or individuals, and pay the amount so recovered, into their county treasury, for the use of the county: *Provided,* That if in any county labor, hauling, etc., be subscribed instead of money, to aid in raising public buildings; and such labor or hauling (upon requisition of the commissioners) shall not be performed in a reasonable time, they are hereby authorized to recover the amount thereof in money, to be applied as aforesaid; and the said commissioners shall be capable of suing and being sued, of pleading and being impleaded, in any court of judicature within this state.

Money to be paid into county treasury.

Proviso.

Commissioners capable of suing and being sued, etc.

This act shall take effect and be in force, from and after the passage thereof.

Commencement.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 27th, 1807.

## CHAPTER XXXV.

*An act to amend the act, entitled "An act organizing the judicial courts."*

The supreme court exclusive cognizance in certain cases.

Proviso.

Persons indicted in common pleas for a capital offense, may be tried before said court.

Grand jury not summoned to attend the supreme court except in capital cases.

Prosecuting attorney's duty.

Duty of the clerk.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the supreme court shall have exclusive cognizance of all cases of divorce and alimony, and of all criminal cases where the punishment is capital, except in criminal cases where the person or persons indicted shall, after indictment found, elect to be tried before the court of common pleas.

Sec. 2. *Be it further enacted*, That whenever any person or persons shall be indicted by a grand jury, in the court of common pleas, for any crime the punishment whereof is capital, and such person or persons so indicted, shall elect to be tried before the said court, such court is hereby required to hear and determine such indictment, and render judgment as by law directed, and such judgment shall be final and conclusive.

Sec. 3. *Be it further enacted*, That no grand jury shall be summoned to attend the supreme court excepting capital cases. And when any person or persons shall be apprehended and confined, or held to bail for his, her or their final trial in the supreme court, for any offense cognizable by the said court, it shall be the duty of the prosecuting attorney of the proper county, to file the *præcipe* with the clerk of the supreme court, requiring him to issue a *venire facias* for twenty-four grand jurors; and the clerk, on the receipt of such *præcipe*, shall forthwith issue a *venire facias*, directed to the sheriff of the proper county, returnable on the first day of the next term of the supreme court, to be holden in and for the said county.

Sec. 4. *Be it further enacted*, That whenever

any person or persons shall be apprehended and committed for any offense, it shall be the duty of the sheriff of the proper county, and he is hereby required to appoint a day on which the associate judges of the court of common pleas of such county shall convene, which day shall not be more than fifteen days after such person or persons shall be apprehended, and notify the said judges of the same, giving them at least three days notice of such meeting. And it shall be the duty of such associate judges, on receiving such notice, to attend at the usual place of holding courts, and when convened, they shall hold a court for the purpose of hearing testimony for and against the person or persons so apprehended. And if the said court shall be of opinion, that the testimony is not sufficient to create a suspicion of guilt, then they shall dismiss such criminal or criminals: But if the said court shall be of opinion, that the testimony is sufficient to create a suspicion of guilt, then they shall, at their discretion, either admit such criminal or criminals to bail, the sufficiency of which shall be determined by the court, or confine him, her or them in the jail of the proper county, for further trial.

Persons apprehended for any offense, sheriff to appoint a day for a special court of common pleas.

When to be held.

Duty of the court.

Sec. 5. *Be it further enacted*, That the clerk of the court of common pleas shall make out and deliver to the clerk of the supreme court, a certified copy of each and every indictment found in the said court, which are to be tried in the supreme court agreeable to the provisions of this act. And the supreme court shall proceed to trial on such indictment in the same manner as if it had been found therein.

Clerk of common pleas to deliver copies of indictments to the clerk of supreme court.

Sec. 6. *Be it further enacted*, That the clerks of the several courts within this state be, and they are hereby authorized to administer oaths or affirmations in all cases where oaths or affirmations are necessary or required by law. And the several sheriffs and coroners in this state are hereby

Clerks and sheriffs authorized to administer oaths.



authorized to administer the necessary oaths or affirmations to any inquest or jury which it is made their duty to call in vacation of the several courts.

Court of common pleas to appoint a prosecuting attorney.

Sec. 7. *Be it further enacted*, That the courts of common pleas shall appoint in each county, an attorney to prosecute on behalf of the state, who shall be a resident in the county for which he is appointed, or in the nearest neighboring county where a suitable character can be found who will accept of such appointment; and the attorney so appointed, shall receive for his services such fees or compensation as shall be allowed by the court of common pleas of the proper county—such allowance to be certified by the clerk, and paid out of the county treasury, on the order of the commissioners.

How compensated.

Sec. 8. *Be it further enacted*, That in all criminal prosecutions, the party convicted shall pay the same docket fees as are, or shall be allowed by law in civil cases, to be taxed in the bill of costs, and paid into the county treasury.

Persons convicted to pay docket fee.

Sec. 9. *Be it further enacted*, That whenever any judgment has heretofore been rendered, or hereafter may be rendered in the supreme court or court of common pleas in any county of this state, the party in whose favor such judgment has been, or may be rendered, may take out an execution, directed to any sheriff or coroner (as the case may be) of any county in the state, who shall proceed in all respects as though such judgment had been rendered in the supreme court or court of common pleas of the county, to the sheriff or coroner of which such execution may be directed: And in case such sheriff or coroner shall not, in all respects, proceed agreeably to law upon the receipt of such execution, the court issuing the same shall have power to award the same process against such sheriff or coroner, as though such execution had been issued to the sheriff or coroner of the

Executions may be directed to any sheriff, etc., in the state.

county in which judgment had been, or may be rendered.

Sec. 10. *Be it further enacted,* That whenever the supreme court shall render any judgment, the clerk of said court shall issue an execution or executions from time to time, to the sheriff or other proper officer, returnable to the next court of common pleas, and if the sheriff or other officer, fail to make the money as commanded, he shall be liable to be moved against, and the said court of common pleas are hereby empowered to render judgment against him, if he fails to levy and make the money, in the same manner as if said execution had issued from the said court of common pleas.

Executions on judgments in the supreme court, returnable to common pleas.

Sec. 11. *Be it further enacted,* That the supreme court for the several counties shall be held as follows, viz.—For the county of Geauga, the first day of August; Trumbull, the seventh day of August; Columbiana, the twelfth day of August; Jefferson, the seventeenth day of August; Belmont, the twenty-fourth day of August; Muskingum, the first day of September; Washington, the sixth day of September; Athens, the twentieth day of September; Gallia, the twenty-fifth day of September; Scioto, the first day of October; Adams, the fifth day of October; Ross, the twelfth day of October; Highland, the twenty-sixth day of October; Clermont, the twenty-ninth day of October; Hamilton, the second day of November; Butler, the sixteenth day of November; Warren, the twentieth day of November; Green, the twenty-fifth day of November; Montgomery, the twenty-ninth day of November; Miami, the third day of December; Champaign, the seventh day of December; Franklin, the twelfth day of December; Fairfield, the seventeenth day of December. And if any of the aforesaid days should happen on Sunday, then the court shall be holden on the next day.

Times of holding the supreme court.

Times of holding the court of common pleas in the first circuit.

Second circuit.

Third circuit.

Sheriffs, their compensation.

Sec. 12. *Be it further enacted*, That the court of common pleas for the three circuits, shall be held as follows, to-wit: For the first circuit, commence in the county of Hamilton, on the first Tuesdays of April, August and December; the second succeeding Tuesday in Butler; the succeeding Tuesday in Montgomery; the succeeding Tuesday in Miami; the succeeding Tuesday in Champaign; the succeeding Tuesday in Green; the succeeding Tuesday in Warren; the succeeding Tuesday in Clermont. For the second circuit, commence in the county of Fairfield, on the second Mondays of February, June and October; the succeeding Monday in Franklin; the succeeding Monday in Ross; the second succeeding Monday in Highland; the succeeding Monday in Adams; the succeeding Monday in Scioto; the succeeding Monday in Gallia, and the succeeding Monday in Athens: *Provided*, That the summer term of the courts of common pleas for the county of Highland, shall commence at the expiration of four weeks after the commencement of said court in the county of Ross, and shall sit the succeeding Monday in Adams; the succeeding Monday in Scioto; the succeeding Monday in Gallia, and the succeeding Monday in Athens. For the third circuit, commence in the county of Geauga, the first Tuesday of March, June and November; in Trumbull, the second Tuesdays of March, June and November; in Columbiana, the third Tuesdays of March, June and November; in Jefferson, the first Tuesdays of April, August and December; in Belmont, the second Tuesdays of April, August and December; in Washington, the third Tuesdays of April, August and December; in Muskingum, the fourth Tuesdays of April August and December.

Sec. 13. *Be it further enacted*, That the several sheriffs in this state, shall receive for any serv-

ices by them performed under the authority of this act, the same fees or compensation, as is or may be allowed by law for similar services in other cases.

Sec. 14. *Be it further enacted*, That wherever any clerk of the supreme court or court of common pleas, or any sheriff of any county in this state, now has, or hereafter may have any claim of fees, for services rendered or to be rendered, in any suit in which judgment has been, or may be rendered, and such fees have not heretofore been, or hereafter may not be received within two terms after the rendition of such judgment, the court may direct such clerk to issue an execution for his own and the sheriffs' fees, against the plaintiff, in such suit; and the sheriff on such execution, shall proceed in all respects as is provided by law in other cases of executions.

The court may direct the clerk to issue execution for the clerk and sheriff fees, if not paid, etc.

Sec. 15. *And be it further enacted*, That the act to amend an act, entitled "An act organizing the judicial courts," and all other acts and parts of acts coming within the purview of this act, be, and the same are hereby repealed.

Repealing clause.

This act shall take effect and be in force, from and after the first day of June next.

Commencement.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

February 4th, 1807.

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## CHAPTER XXXVI.

*An act authorizing the proprietor of the town of Portsmouth, in the county of Scioto, to change a part of the in-lots of said town into out-lots.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the proprietor of the

Plan to be  
recorded.

town of Portsmouth, in the county of Scioto, be, and he is hereby authorized to change a part of the in-lots of the said town of Portsmouth, into out-lots, agreeable to a plan which the said proprietor has made, for the purpose of changing the lots aforesaid, which said plan is signed by the said proprietor, who shall have the same recorded in the recorder's office, for the said county of Scioto.

Commence-  
ment.

This act to take effect and be in force, from and after the passage thereof.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

February 3rd, 1807.

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## CHAPTER XXXVII.

*An act to attach a certain tract of country to the county of Jefferson.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That all that part of the seventh range of townships, surveyed under the authority of the United States, which lies west of the western boundary of the county of Jefferson be, and the same is hereby attached to, and made a part of the county of Jefferson; and all officers of the county of Jefferson or elsewhere, are hereby required to govern themselves accordingly.

This act shall take effect and be in force, from and after the passage thereof.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 31st, 1807.

## CHAPTER XXXVIII.

*An act to amend the act, entitled "An act for raising, by way of lottery, money to repair and secure the bank of the Scioto, on which the town of Chillicothe is built."*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the commissioners appointed by the above recited act, are hereby authorized to divide said lottery into two classes; the drawing of the first class, shall commence on or before the first day of June, one thousand eight hundred and eight; and the drawing of the second class shall commence on or before the first day of June, one thousand eight hundred and nine; and the drawing of each class, shall be completed within ninety days from the time of commencing the same.

Lottery may be divided into two classes.

Drawing, when to commence.

And when to be completed.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 28th, 1807.

## CHAPTER XXXIX.

*An act for the altering the boundary line between the counties of Athens and Gallia.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the following alteration of the boundary line between the counties of Athens and Gallia, shall take place, viz: Beginning at the northwest corner of section number twenty-four, in township number three, of range number twelve; thence south on the sectional line of num-

Boundary.

ber twenty-four, to the southwest corner of said section; thence east with the sectional lines between the fifth and sixth tier of sections, to the Ohio river.

Actions,  
suits, etc.,  
depending  
to be prose-  
cuted, etc.

Sec. 2. *Be it further enacted*, That all actions, suits and prosecutions, that are now pending in either of the said counties of Athens or Gallia, shall be prosecuted in the same manner, as they would if this act had not taken place.

Commence-  
ment.

This act shall take effect and be in force, from and after the passage thereof.

ABRAHAM SHEPHERD,  
Speaker of house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 30th, 1807.

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## CHAPTER XL.

*An act requiring the collector of the fifth district, to pay certain monies to the treasurer of Washington county.*

Preamble.

WHEREAS, the sum of four hundred and five dollars and eighty four cents tax, was in the year 1806, collected from the proprietors of the thirteenth township, in the seventh range of the United States' land, by the collector of the fifth district, and paid into the treasury of Jefferson county; which tract of land was, at that time, a part of the county of Washington: Therefore,

Order of  
treasurer,  
amount  
when to be  
presented.

*Be it enacted by the general assembly of the state of Ohio*, That the collector of the fifth district for the present year, is hereby required to pay unto the order of the treasurer of the county of Washington, the sum of four hundred and five dollars and eighty-four cents, the same being presented at

any time between the first day of November, and the fifteenth day of December next, which order shall be received by the collector for the taxes of the present year, and to be deducted from that proportion of the state tax, payable to the treasury of the county of Jefferson.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

February 3rd, 1807.

## CHAPTER XLI.

*An act to amend the act, entitled "An act providing for the execution of real contracts in certain cases."*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That if any person or persons, who have entered, or shall enter into any written contract for the conveyance of land or other real property, and before the completion of such contract, on his, her or their part, have died, or shall die, leaving an heir or heirs; such contract shall be carried into effect, in the same manner as though such heir or heirs were under the age of twenty-one years.

Party to contract dying leaving heir or heirs, etc.

Contract, how to be completed.

Sec. 2. *And be it further enacted,* That if any person or persons, who have entered, or shall hereafter enter into any written contract for the purchase of any land or other real property has died, or shall die, leaving an heir or heirs; such heir or heirs, his, her or their guardian or guardians, may compel the conveyance of such land, in the same manner, as such deceased person might have done, agreeable to the provisions of the act, entitled "An

Contracts for the conveyance of land where party has died, etc.

How enforced.



act providing for the execution of real contracts in certain cases.”

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 30th, 1807.

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CHAPTER XLII.

*An act directing the mode of redeeming certain land sold for tax.*

When the land of minors, feme coverts, etc., have been sold.

To get a statement from the auditor or other officer of the amount of tax, etc.

Fee for same.

Party to deposit the amount with the state or county treasurer, etc.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That when lands have been, or may hereafter be sold for taxes, belonging to any minor, *feme covert*, insane person, or person in captivity, who have the right by law to redeem the same, such person or persons, his, her or their agent or attorney, shall apply to the auditor of public accounts, (or other proper officer, who may be legally authorized to receive the returns of sales, from the collectors of taxes on lands sold as aforesaid,) for a statement in writing, of the amount of the tax, interest and penalty, for which the land was sold, together with the amount of taxes paid by the purchaser, with the legal interest required by law to be paid for the redemption of such land, and the auditor, or other proper officer shall furnish such statement under his hand and seal, for which he shall have a right to demand and receive twenty cents; and the person or persons, his, her or their agent or attorney so applying, who have had land sold in the Virginia military district, shall deposit the full amount contained on such written statement, with the state treasurer, and in the other parts of this state, with the treasurer of the

county in which the land is situated, who are hereby authorized and required to receive the same, and give a receipt therefor, and forthwith proceed to give notice in any two of the public papers printed in this state, therein describing the land as it was entered for taxation; for whom it was originally entered, and the quantity in the original tract; in whose name sold; the quantity sold, and to whom; the water course and county, if known therein, also notifying the purchaser, his, her or their heirs, or assigns, that he, she or they will proceed at the next court of common pleas, held within the county where the land so to be redeemed may be situate, to exhibit proof of his, her or their right of redemption in such lands, and that the amount of the redemption money has been deposited with the treasurer, as aforesaid, which advertisements shall be inserted six weeks successively, previous to the sitting of said court.

And give notice in two public newspapers printed in the state.

Contents of the notice.

Sec. 2. *Be it further enacted,* That the court of common pleas shall, on such person or persons, his, her or their agent or attorney, producing the statement of the auditor or other proper officer, as before required, and the treasurer's receipt for the amount contained therein, proceed to hear the evidence of the claimant and of the purchaser, his heirs or assigns (if he or they attend and desire to be heard) and if upon such examination, it shall appear to the court, that the claimant has a legal right to redeem such land, they shall adjudge the same to him, her or them, on paying the amount of damages and costs as required by law, and the clerk of the court shall, thereon, at any time, furnish the purchaser, his heirs or assigns with a copy of such decision, which shall entitle such person to the money deposited with the treasurer, who shall thereon deliver and pay over the same, taking a receipt therefor, which he shall file in his office; and in case any improvements have been made on such land, the court

Court of common pleas on the party's producing statement and receipt, proceed to hear evidence of the claimant and purchaser.

And adjudge thereon.

Clerk to furnish a copy of the decision.

Where improvements

have been made, the value thereof, how adjusted.

shall (in case the parties cannot agree as to the amount of the improvements) appoint three judicious, disinterested men, to value the said improvements, under oath or affirmation, and return the same under their hands to the said court, who shall have the same entered on record, and on payment thereof, award to the claimant restitution of the said lands.

Where two or more minors may redeem as they come of age.

Sec. 3. *And be it further enacted*, That when lands are claimed by two or more minors, they shall respectively, as either of them attains to lawful age, redeem the same by depositing his or her proportion of the redemption money, as aforesaid.

Commencement.

This act shall be in force, from and after the passage thereof.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 31st, 1807.

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## CHAPTER XLIII.

*An act for raising, by way of lottery, money to build a bridge across the mouth of the Muskingum river.*

Managers,

not to raise more than

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That Rufus Putnam, Dudley Woodbridge, Return Jonathan Meigs, Jr., Joseph Buell, Benjamin Ives Gilman, Paul Fearing, Abner Lord, William Skinner, Earl Sproat, Giles Hempstead, Edward W. Tupper, Dudley Woodbridge, Jr., David Putnam, Matthew Backus, Hoallam Hempstead and Levi Barber be, and they are hereby appointed managers to raise, by way of lottery,

a sum not exceeding twenty thousand dollars to be applied in erecting a bridge across the Muskingum, between the mouth of a run coming into said river near the market house and the Ohio river; and a majority of the said managers shall be at all times a quorum to do business.

twenty thousand dollars.

Majority may do business.

Sec. 2. *Be it further enacted*, That each of the said managers shall, previous to entering upon the duties of his office, take and subscribe an oath or affirmation, faithfully and impartially to perform the duties intrusted to him. And the said managers shall, previous to their selling any tickets, publish the scheme of the lottery, in at least two public newspapers published in this state, and shall enter into bonds to the governor of this state, in the sum of one hundred thousand dollars, conditioned for the faithful discharge of their duty, as well in paying all prizes and prize money, as in applying the money so raised for the purpose aforesaid; which bond, when executed, shall be lodged in the secretary of state's office, for the use of any person aggrieved by the neglect or misconduct of the said managers.

Managers to take an oath, etc.

To publish the scheme of the lottery and to give bonds to the governor.

Condition thereof.

Sec. 3. *Be it further enacted*, That at least three of the managers shall superintend each day's drawing of said lottery; and when the drawing of the whole or any class thereof is completed, the said managers shall cause an accurate list of the fortunate numbers so drawn, to be published in one or more public newspapers published in this state, at least three weeks successively; and also, cause a list to be filed in the office of the clerk of the court of common pleas for the county of Washington; and they are hereby authorized to settle and adjust all accounts, which may be exhibited by any person or persons legally employed in carrying this act into effect: *Provided*, That the prizes drawn as aforesaid, shall not be subject to a greater deduction than fifteen per cent.

Three of the managers to attend the drawing.

When completed to advertise.

Authorized to settle accounts, etc.

Sec. 4. *Be it further enacted*, That the mana-

And to divide the lottery into classes.

Proviso.

Proviso as to prizes not demanded within one year.

Navigation of the Muskingum not to be molested.

gers shall have power to divide such lottery into as many classes as they may judge expedient, and regulate the sale of the tickets, and the drawing of the lottery in such manner as they may deem necessary: *Provided*, The last class of the drawing of such lottery be completed on or before the first day of January, one thousand eight hundred and twelve—*And provided also*, That all prizes not demanded within one year after the publication of the fortunate numbers, drawn in any class as aforesaid, such prize shall be deemed as a generous gift for the benefit of the undertaking, and appropriated accordingly.

Sec. 5. *And be it further enacted*, That the said managers shall cause the said bridge to be so erected, either by draw or otherwise, that the navigation of the said river Muskingum shall be no way molested thereby.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

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#### CHAPTER XLIV.

*An act confirming to James Innes Clarke five shares in the Ohio company's purchase.*

WHEREAS, at the general assembly of the state of Rhode Island and Providence plantations, begun and holden at Providence on the last Monday of October, A. D., 1804, John Innes Clarke, Esq., of said Providence and Lydia his wife, Elizabeth Nightingale, of said Providence, widow and dowager of Joseph Nightingale, late of said Providence, merchant, deceased, for herself and for William Nightingale, Joseph Nightingale and George C. Nightingale, sons of the said Joseph and Elizabeth, minors under the age of twenty-one years, and to whose persons and estates the said Elizabeth is guardian, John Clarke Nightingale,

Preamble.

Samuel W. Greene and Polly his wife, which said John Clarke Nightingale and Polly Greene are children of the said Joseph Nightingale, deceased, preferred their petition to said general assembly of said state of Rhode Island, therein stating that they had agreed to make partition of certain of the real estate, whereof the said John Innis Clarke and Joseph Nightingale were possessed at the time of the decease of the said Joseph, and praying that the said partition might be ratified and established. And whereas the said general assembly of said state of Rhode Island, at their session aforesaid, did pass an act ratifying and establishing said partition, so far as it related to the lands and tenements therein mentioned, situate in said state of Rhode Island: *Provided*, That the legislatures of the several states of New Hampshire, Massachusetts, Vermont, Ohio and New York, should respectively pass acts ratifying said partition, relative to such of the premises as lie, and are within their respective jurisdictions, within five years from that time; a copy of which said partition and act of said general assembly of said state of Rhode Island are on file, reference thereunto being had.— And whereas, in and by the said partition so made and established as aforesaid, five rights in the Ohio company's purchase, being the only rights therein, which the said Clarke and Nightingale owned at the time of the decease of said Nightingale were assigned to the said John Innes Clarke, his heirs and assigns for ever: Therefore, Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the said partition so made as aforesaid, by the agreement of parties as aforesaid be, and the same hereby is ratified, established and confirmed, to every legal intent and purpose, in as full and ample a manner as if the same had been made by the acts and deeds of the said Clarke and Nightingale, in the lifetime of the said Night-

Partition,  
etc., ratified  
and confirmed.

ingale, as relative to all the premises therein mentioned, situate in the said state of Ohio; and that the said John Innes Clarke, his heirs and assigns shall, and may forever hold and enjoy in fee simple, the said five rights in the Ohio company's purchase, so assigned to him as aforesaid, in the said agreement of partition.

Act to be recorded in the proper county.

Sec. 2. *Be it further enacted*, That the recording this act in the proper county where the several tracts are situated, shall be a sufficient record of the title to the aforesaid several tracts set off and directed in manner aforesaid.

ABRAHAM SHEPHERD,

Speaker of the house of representatives.

THOMAS KIRKER,

Speaker of the senate.

February 3d, 1807.

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## CHAPTER XLV.

*An act to amend the act, entitled "An act respecting crimes and punishments."*

Burglary.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That if any person in the night season, shall break open and enter any mansion-house, shop, store or vessel, in which any person or persons dwell or reside, with a view and intention of stealing and purloining therefrom; the person so offending, shall be fined in a sum not exceeding five hundred dollars, and imprisoned not exceeding one year, at the discretion of the court. And if any person shall break open and enter any mansion house, shop, store or vessel as aforesaid, and actually steal and purloin therefrom; the person so offending on conviction thereof, shall, besides the punishment above stated, be punished, as in

How punished.

other cases of larceny. And if any person so breaking and entering any mansion-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, as to indicate a violent intention; the person so offending, shall on conviction thereof, be punished, as is herein before provided, in case of burglary, with intent to steal. And all persons aiding or assisting in any of the crimes before mentioned, shall be deemed principals, and punished accordingly.

Persons  
aiding and  
assisting  
deemed  
principals

Sec. 2. *Be it further enacted*, That if any person shall feloniously take, steal or carry away any horse, mare, gelding, foal, filly, mule or ass, the property of any other person; the person so offending shall, on conviction thereof, for the first offense, be whipped, not exceeding fifty-nine stripes on his naked back; and on conviction of a second offense of a like nature, shall be whipped, not exceeding one hundred stripes; and in either case, shall restore to the owner, the property stolen, and pay him the value thereof, or twofold the value if the property be not returned, and be imprisoned not exceeding one year, and fined not exceeding five hundred dollars at the discretion of the court, and be ever after rendered incapable of holding any office of trust, of being a juror, or giving testimony in any court of record in this state.

Horse steal-  
ing, etc.

First of-  
fense, how  
punished.

Second of-  
fense, how  
punished.

Sec. 3. *Be it further enacted*, That if any person shall receive or buy any horse, mare, gelding, foal, filly, mule or ass as aforesaid, that shall have been feloniously stolen or taken from any other person knowing the same to be stolen; such person shall be deemed a principal, and dealt with accordingly. And if any person shall harbour or conceal such thief, knowing such person to be so; the person so harbouring or concealing, shall be fined not exceeding five hundred dollars, and be imprisoned at the discretion of the court, for any term not exceeding one year.

Persons  
deemed  
principals.

How pun-  
ished.



**Larceny.** Sec. 4. *Be it further enacted,* That if any person shall steal or take and carry away the personal goods of another with an intent to steal; such person so offending, shall be deemed guilty of larceny, and upon conviction thereof, shall be whipped, not exceeding twenty-five stripes, on the naked back, and on a second conviction of a like offense, shall be whipped, not exceeding fifty-nine stripes, at the discretion of the court, and in either case, shall restore to the owner, the thing stolen, together with the value thereof, or twofold the value thereof, if the thing stolen be not restored, and shall be fined in a sum not exceeding threefold the value of the property stolen, and be imprisoned, not exceeding twelve months, at the discretion of the court.

**Persons abusing judicial or ministerial officer.**

**How punished.**

Sec. 5. *Be it further enacted,* That if any person shall abuse any judge, justice of the peace, resist or abuse any sheriff, constable or other officer in the execution of his office, he shall be fined in a sum, not exceeding five hundred dollars, to be recovered by indictment in any court having competent jurisdiction thereof, and find sureties for the peace and good behaviour, for a term not exceeding one year, and on neglect or refusal, shall be committed to the common jail of the county.

**Certain sections repealed.**

**Proviso.**

Sec. 6. *And be it further enacted,* That the sixteenth, seventeenth, eighteenth, nineteenth, twenty-second, twenty-third, twenty-fourth and thirty-third sections of the above recited act be, and the same are hereby repealed: *Provided,* That all crimes committed, or prosecutions pending at the taking effect of this act, shall be prosecuted to final judgment and execution, in the same manner, as if this act had not been passed.

**Commencement.**

This act shall take effect and be in force, from and after the first day of May next.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

February 4th, 1807.

CHAPTER XLVI.

*An act to amend the act, entitled "An act regulating the proceedings of courts in chancery."*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the courts of common pleas shall have original jurisdiction in all cases cognizable by a court of chancery, subject to an appeal to the supreme court: *Provided,* The appellant comply with the provisions contained in the act, entitled "An act organizing the judicial courts," allowing appeals, and the supreme court shall have concurrent original jurisdiction with the court of common pleas in all cases where the title of land is drawn in question, or matter in controversy exceeds five hundred dollars.

Jurisdiction of the court of common pleas.

Proviso.

Sec. 2. *Be it further enacted,* That suits in chancery shall be commenced in manner following: The complainant shall file his bill with a copy of the same in the clerk's office, which shall authorize the clerk to issue a subpoena directed to the sheriff or coroner (as the case may be) of the proper county where the defendant or defendants, or any of them reside within this state, and also deliver to the sheriff or coroner, as aforesaid, the copy of the complainant's bill, who shall, at the time of executing the subpoena, deliver such copy to the defendant, or where there are several, to some one of them, and on returning the subpoena, shall endorse that a copy was left.

Suits in chancery, how to be commenced.

Subpoenas to issue.

Duty of the sheriff or coroner.

Sec. 3. *Be it further enacted,* That if the de- When de-

defendant does not appear, etc.

Proviso.

Petition when taken as confessed.

Defendant may introduce new matter, etc.

After answer filed, no plea in abatement to the jurisdiction, etc., to be made.

Proceedings when a cross-bill is exhibited.

Rule to be observed in pleadings.

defendant shall not appear on the day of appearance, an attachment shall be awarded and issued against him, returnable to the next term: *Provided*, That subpoena has been served, and a copy left twenty days before the term to which it is made returnable, which being returned executed, if the defendant doth not appear or being brought into court upon any such process, shall obstinately refuse to answer the complainant's bill, shall be taken as confessed, and the matter thereof decreed accordingly.

Sec. 4. *Be it further enacted*, That a defendant may introduce any new matter material for his defense, in his answer, and call the complainant (if he judges it necessary so to do) to answer the same on oath, which the complainant shall do within the same time, under the same rules and regulations, as a defendant is now compelled to answer the bill of the complainant.

Sec. 5. *Be it further enacted*, That after answer filed, no plea in abatement to the jurisdiction of the court, nor exceptions for want of jurisdiction, shall ever afterwards be made, nor shall the court ever thereafter delay or refuse justice, or reverse the proceedings for want of jurisdiction, except in cases of controversy respecting land lying without the jurisdiction of such courts, and also of infants and *feme covert*s.

Sec. 6. *Be it further enacted*, That when a cross-bill shall be exhibited, the defendant or defendants to the first bill shall answer thereto, before the defendant or defendants to the cross-bill shall be compelled to answer such cross-bill.

Sec. 7. *Be it further enacted*, That the complainant shall reply or file exceptions within sixty days after the answer shall have been put in; if he fails so to do, the defendant may give a rule to reply, which being expired and no replication or exceptions filed, the suit shall be dismissed with costs, but the court may order the same to

be retained if they see cause, or payment of costs.

Sec. 8. *Be it further enacted*, That if upon argument the complainant's exceptions shall be overruled, or the defendant's answer judged insufficient, the complainant shall pay to the defendant or the defendants to the complainant, such costs as shall be allowed by the court. Rules as to costs.

Sec. 9. *Be it further enacted*, That if the complainant shall not proceed to reply, or to set for hearing as before mentioned, any plea or demurrer before the second court after filing the same, the bill shall be dismissed of course with costs. Rule as to pleading and costs.

Sec. 10. *Be it further enacted*, That upon a plea or demurrer argued or overruled, costs shall be paid as where an answer is judged insufficient, and the defendant shall answer within sixty days after; but if adjudged good, the defendant shall have his costs. Rule—costs continued.

Sec. 11. *And be it further enacted*, That so much of the act passed the seventeenth day of February, one thousand eight hundred and four, directing the mode of proceedings in courts of chancery, as comes within the purview of this act be, and the same is hereby repealed. Repealing clause.

This act to take effect and be in force, after the first day of April next. Commencement.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

February 3d, 1807.

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## CHAPTER XLVII.

*An act making an appropriation of a part of the three per cent. granted for laying out and opening roads within this state.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That a sum not exceeding one

One thousand dollars appropriated to compensate for services heretofore rendered.

thousand dollars of the three per cent. fund, granted for laying out and opening roads, is hereby appropriated for the purposes of paying certain persons for services heretofore rendered, in laying out and opening roads; and the treasurer is hereby directed, out of the first monies by him received of the fund aforesaid, to pay every person entitled to payment for services rendered as aforesaid.

ABRAHAM SHEPHERD,

Speaker of the house of representatives.

THOMAS KIRKER,

Speaker of the senate.

February 4th, 1807.

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## CHAPTER XLVIII.

*An act authorizing the citizens of Cincinnati and its vicinity, to raise six thousand dollars for certain purposes.*

Commissioners.

Majority may do business.

Proviso.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That John Riddle, Joseph Vanhorn, William Stratton, Ethan Stone, Stephen Wood, Samuel Hilditch, Luke Foster, Mathew Nimmo and Daniel Symmes be, and they are hereby appointed commissioners to raise, by way of lottery, a sum not exceeding six thousand dollars, to be applied by the trustees of the Cincinnati University, agreeable to the true meaning of that institution; and a majority of said commissioners shall have full power and authority to do business: *Provided*, That they shall at least lay out one thousand five hundred dollars of the same, in books and astronomical apparatus for said University.

Sec. 2. *Be it further enacted*, That each of said commissioners shall, previous to entering upon

the duties of his office, take and subscribe an oath (or affirmation) before the clerk of the court of common pleas of Hamilton county, diligently and faithfully to perform the duties intrusted to him. And the said commissioners shall, previous to selling any tickets, publish the scheme of the lottery in three or more newspapers published within this state, and shall enter into bond to the governor of this state and his successors in office, in the sum of fifty thousand dollars, conditioned for the faithful discharge of their duty, as well in the paying all prizes and prize money, as applying the money so raised for the purposes aforesaid; which bond, when duly executed, shall be lodged in the secretary of state's office for the use of any person aggrieved by the neglect or misconduct of the said commissioners.

Commissioners to take an oath, etc.

To publish the scheme of the lottery.

And to give bond to the governor.

Condition thereof.

Sec. 3. *Be it further enacted*, That at least three of the commissioners shall attend and superintend the drawing each day, and when the whole is completed, shall cause an accurate list of the fortunate numbers in the lottery to be published in one of the newspapers in Cincinnati or Chillicothe, three weeks successively, and also a list filed in the office of the clerk of the court of common pleas for Hamilton county, and they are hereby authorized to settle and adjust all accounts which may be exhibited by any person or persons legally employed in carrying this act into effect.

Three of the commissioners to attend the drawing.

When completed to advertise.

Authorized to settle accounts, etc.

Sec. 4. *Be it further enacted*, That the commissioners shall commence the drawing of said lottery, on or before the first day of September, one thousand eight hundred and nine; and the drawing fully completed within ninety days from the time of commencing the same, and ten days after the drawing of the lottery shall be completed, they shall pay all prizes to any person or persons legally entitled thereto, when demanded: *Provided nevertheless*, That all prizes not de-

Drawing, when to commence and end.

Prizes, when to be paid.

Proviso.

manded within one year after the publication aforesaid, shall be considered as relinquished for the benefit of the purposes aforesaid, and shall be applied by the commissioners for the purposes herein mentioned.

Not to retain more than fifteen per cent.

Sec. 5. *And be it further enacted,* That the commissioners shall not be permitted to retain a greater sum than fifteen per centum upon the whole prizes contained in said lottery.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

February 3d, 1807.

## CHAPTER XLIX.

*An act to incorporate the first religious society in Marietta.*

Members of the corporation.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That Rufus Putnam, Dudley Woodbridge, Jabez True, Abner Lord, Benjamin Ives Gilman, Joseph Lincoln, David Putnam, Ichabod Nye, Edward White Tupper, James White, Judson Gitten, Stephen Pierce, Joshua Shipman, William Bumham, Earl Sproat and Josiah Hart, and their associates for the time being, be, and they are hereby created and declared a body politic and corporate, by the name of "*The first Religious Society in Marietta,*" and as such shall remain and have perpetual succession, subject however, to such alterations and regulations as the legislature may, from time to time, think proper.

Their style.

Capable of suing and being sued in their corporate capacity.

Sec. 2. *Be it further enacted,* That the said society shall be capable in law, by the name aforesaid, of suing and being sued, pleading and being impleaded, in any action or suit, and in any court

proper to try the same; and they are hereby authorized to have one common seal for the use of the corporation, and the same to alter or break, and to renew at their pleasure.

To have one common seal.

Sec. 3. *Be it further enacted*, That the said society shall be capable in law, in their corporate name aforesaid, of having, receiving, acquiring and holding, either by gift, grant, devise or purchase, any estate, real, personal or mixed, for the use of the said society, including the society's proportion of any rents arising from any lands given or granted by the United States for religious purposes: *Provided*, That no subscription shall be binding on any subscriber for a longer time than one year—*And provided also*, That the clear annual income of all such property may not exceed the sum of three thousand dollars; and that the aforesaid property, both real and personal, be considered as held in trust, under the management and at the disposal of said corporation, for the purpose of defraying the expenses incident to their religious worship, to the support of schools and of affording such relief to the poor as their funds may, from time to time allow, and for no other purpose.

Their powers in receiving and acquiring property.

Limited.

Money, etc., how to be applied.

Sec. 4. *Be it further enacted*, That for the better regulating, ordaining and governing the said society, and for managing the affairs and promoting the interests thereof, there shall be elected, annually, by the society, on the first Monday of April not less than three, nor more than seven trustees, a treasurer, a clerk and a collector, and such other officers as the said society may find necessary from time to time, to appoint, who shall hold their offices for the term of one year and until their successors shall be duly elected: *Provided*, That if by any neglect or casualty, an election of the officers should not be made on the day appointed for the annual election, or in the event of a vacancy in any office by death, removal or otherwise, the so-

Officers to be elected annually

Proviso.



ciety may elect their officers, or supply such vacancy, at any meeting of the incorporation duly assembled.

Elections to be by ballot.

Sec. 5. *Be it further enacted*, That all elections of the corporation shall be by ballot, and the person or persons having the majority of all the ballots given for any office, shall be considered duly elected. Every member shall have equal suffrage, and all society matters shall be determined by a majority of the members present, in any meeting of the corporation duly assembled.

Trustees to call meetings.

Notice to be given.

Sec. 6. *Be it further enacted*, That all meetings of the corporation, either for the election of officers, or for transacting the other business of the society, shall be called by the trustees, or a majority of them, who shall cause notifications in writing, of the time and place of such meeting, to be posted up at such public place as they shall judge necessary, at least fifteen days before such meeting.

Trustees to make contracts, by-laws, etc.

Proviso.

Sec. 7. *Be it further enacted*, That the trustees, or a major part of them, shall have power and authority to make all contracts in behalf of the society, which shall be necessary to carry into effect and accomplish the objects of the institution, and manage all pecuniary and prudential matters and other concerns, which pertain to the good order, interest and welfare of the society, and make such rules, regulations and by-laws for the government of the society, and for regulating and conducting the affairs of the same, as shall from time to time be deemed necessary and expedient: *Provided*, That such rules, regulations and by-laws, be not inconsistent to the laws of the United States, or this state, and that the same, before they have effect, be approved by the corporation: *Provided also*, That all monies that constitute the funds of the society, shall be applied by the trustees to those purposes only for which they shall have been appropriated by the corporation, except where the

money arises from a donation or devise, the application of which has been designated by the donor.

Sec. 8. *Be it further enacted*, That the treasurer shall give bond, with sufficient surety, to the trustees and their successors in office, in such sum as the said trustees shall deem sufficient, conditioned for the faithful performance of those duties that may appertain to his office, by the rules, regulations and by-laws, of the corporation. All process against the corporation shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the treasurer of the corporation, at least twenty days before the return.

Treasurer to give bond and security to the trustees.

Condition thereof.

Process, how served.

Sec. 9. *And be it further enacted*, That Rufus Putnam be, and he is hereby authorized and empowered to appoint the time and place of the first meeting of the said society for the election of officers, of which meeting he shall give such notice as is directed in the sixth section of this act.

Rufus Putnam to call the first meeting.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

February 4th, 1807.

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## CHAPTER L.

*An act allowing the treasurer of state a compensation for receiving and paying out the three per cent. fund.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the treasurer of this state shall be allowed, exclusive of his annual salary, one per centum on all monies which he has heretofore or shall hereafter receive, on account of the three per cent. fund, granted by congress for lay-

One per cent. on monies received and paid out.

ing out and making roads in this state, which shall be a compensation for receiving, safe keeping and paying over the same.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

February 4th, 1807.

## CHAPTER LI.

*An act authorizing the collector of Washington county, to pay certain monies to the treasurer of Athens county.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the collector of Washington county for the present year, is hereby required to pay unto the order of the treasurer of Athens county, three hundred and twenty dollars, the same being presented at any time between the first day of November and the first day of December next, which order shall be received by the treasurer of state, as so much paid by the collector for the taxes of the current year, and to be deducted from the proportion of the state tax, payable to the treasurer of Washington county.

Treasurer's  
order,  
amount,  
when to be  
presented.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

February 3d, 1807.

## CHAPTER LII.

*An act to amend the several acts regulating elections.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That in all cases of contested

elections, the justices and other officers shall be entitled to receive the same fees for their services, that by law they would be entitled to for similar services in other cases of a like nature.

Contested elections, justices, etc., to receive fees.

Sec. 2. *Be it further enacted,* That whenever it shall so happen that the clerk of any of the courts of common pleas shall die, be absent, or from any other casualty, be prevented from opening the returns of votes at any election, it shall be lawful for his deputy to discharge the duties required of such clerk by law, or if the office of such clerk is not represented by deputy, and such clerk being absent or in anywise disqualified to serve as aforesaid, it shall be the special duty of the associate judges of the county in which such election was held, to attend immediately at the seat of justice of such county, and they or a majority of them, shall there proceed to open all returns of elections for such county or counties, and perform the same duties that is required of the clerk of the court and judges or justices of the peace by the acts to which this is an amendment.

Clerk when absent, etc., deputy may assist in opening returns.

Associate judges, their duty.

ABRAHAM SHEPHERD,

Speaker of the house of representatives.

THOMAS KIRKER,

Speaker of the senate.

February 3d, 1807.

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### CHAPTER LIII.

*An act making appropriations for the year one thousand eight hundred and seven.*

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the sum of nine hundred dollars, appropriated last year as a contingent fund, be appropriated as a contingent fund for the year one thousand eight hundred and seven, subject to

Contingent fund subject to the order of the governor.

the order of the governor, who shall make report of the disbursements thereof to the next session of the legislature.

Payments to be made out of the state treasury on the order or warrant of the auditor.

That there shall be paid out of the state treasury, on the order or warrant of the auditor of public accounts, to discharge the debts of the state and for the expenditure of the state for the year one thousand eight hundred and seven, not more than the following sums, viz.—

To the governor, judges of the supreme court, presidents of the courts of common pleas, secretary, treasurer and auditor of public accounts, a sum not exceeding seven thousand five hundred and fifty dollars.

To Joseph S. Collins & Co., for printing the laws, journals and other necessary printing done for the present general assembly of the state of Ohio, the amount of their account, agreeably to contract, to be settled by the auditor, treasurer and secretary of state.

Continued.

To the members and officers of the present general assembly, in addition to a sum already appropriated, a sum not exceeding seven thousand dollars.

To John Carlisle, for furnishing stationery to the present general assembly, a sum of one hundred and twenty-six dollars and eighteen cents.

To the secretary of state, for distributing the laws and journals of the present general assembly throughout the different counties in this state, a sum not exceeding one thousand dollars, to be liquidated by the auditor and treasurer.

To John M'Coy, for fire-wood furnished the present general assembly, forty-nine dollars.

To the agent of the public salt works, the amount of his salary as it shall become due.

To the auditor of public accounts for clerk hire, the sum of six hundred and forty-seven dollars.

To Thomas G. Bradford & Co., for eight volumes of the laws for the assembly, the sum of ten dollars.

To Hugh Cockran, for fuel, three dollars.

To Nathaniel Willis, for fifty volumes of the revised code of laws of this state, sixty-two dollars and fifty cents.

To Thomas G. Bradford, for binding fifty volumes of the revised code of the laws of this state, the sum of twenty-five dollars.

To Joseph S. Collins, for fifty copies of the acts of the last session, the sum of eighteen dollars and twenty-five cents.

To the clerk of the senate and clerk of the house of representatives, each the sum of five dollars per day, for their services during the present session.

To the doorkeeper of the senate and the doorkeeper of the house of representatives, each the sum of one dollar and fifty cents per day, for their services during the present session.

To the secretary of state, the sum of ten dollars, for procuring the seals for Miami county.

To Rufus Putnam, Benjamin Ives Gilman and Jonathan Stone, for laying out the town of Athens, the sum of eighty dollars and eighty cents.

To Adams Betz, for sundries furnished the general assembly, three dollars and twenty-five cents.

And the further sum of three thousand dollars, subject to the order of the auditor of state, agreeable to the provisions of the sixteenth section of the act levying a state tax; and the auditor shall keep an account of the proportion of money so returned on lands improperly taxed in each county; which several sums paid by the auditor aforesaid, shall be laid before the next general assembly.

To William Creighton, Sr., sergeant-at-arms to the senate while sitting as a high court of impeachment on the trial of Robert F. Slaughter, president of the courts of common pleas for the

Continued.

second circuit, the sum of forty-three dollars and seventy cents.

To Joseph Foos, Esq., attending the impeachment of Robert F. Slaughter, forty-two miles' travel, at ten cents per mile, four dollars and twenty-cents; four days' attendance at one dollar and fifty cents, six dollars.

To Henry Abrams, travel, thirty-eight miles, three dollars and eighty cents; attendance four days, six dollars.

To Isaac Cook, four days' attendance, six dollars.

To James Kilbourn, fifty-two miles' travel, five dollars and twenty cents; four days' attendance six dollars.

To Henry Brush, attendance, six dollars.

Continued.

To J. N. Couch, attendance, six dollars.

To William Creighton, Jr., attendance, six dollars.

To James Armstrong, six dollars, amounting in the whole to sixty-one dollars and twenty cents.

To Edward Sherlock for sundries, four dollars and twenty-five cents.

To John Armstrong, twenty dollars, for transporting books and monies from Cincinnati to Chillicothe.

That fifteen hundred dollars be appropriated for the purpose of carrying into effect the law regulating weights and measures, subject to the same order as the contingent fund.

ABRAHAM SHEPHERD,

Speaker of the house of representatives.

THOMAS KIRKER,

Speaker of the senate.

February 4th, 1807.

## RESOLUTIONS.

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*Resolution on the subject of declaring the road from West Union to the mouth of Clough creek, a post-road.*

WHEREAS a direct communication between the different parts of this state, is an object of primary importance to the citizens thereof; therefore,

*Resolved, by the general assembly of the state of Ohio,* That our senators and representative in the congress of the United States be, and they are hereby requested to use their best endeavors, to obtain the passage of a law, declaring the state road from West-Union, in the county of Adams, to the mouth of Clough creek, in the county of Hamilton, and from thence to Cincinnati, a post-road, and that a post-office be established on said road, at the town of Bethel, in the county of Clermont; and also to procure a mail to be carried weekly, from Granville, in the county of Licking, to Zanesville, in the county of Muskingum, and to Marietta, in the county of Washington, and to authorize the post-master at Marietta, to distribute and forward to Zanesville by the said mail, all letters and packets coming from the eastward and directed to any point to which Zanesville is the nearest post-office; and that the governor be, and he is hereby requested, to transmit to each of our senators and our representative in congress, a copy of this resolution.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 24th, 1807.



*Resolution instructing the senators and representative from this state in the congress of the United States, to use their exertions to procure a donation of lands for the use of schools, within the Virginia military reservation, in lieu of the one thirty-sixth part of the lands lying within the said reservation, after the warrants granted to the officers and soldiers of the Virginia line on continental establishments, are satisfied.*

WHEREAS, by an act of congress, entitled "An act in addition to, and in modification of the propositions contained in the act, entitled "An act to enable the people of the eastern division of the territory, northwest of the river Ohio, to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and for other purposes," it is provided, that so much of that tract commonly called the Virginia military reservation, as will amount to one thirty-sixth part of the whole tract, is granted for the use of schools within the same, and to be selected by the legislature of the state of Ohio, out of the unlocated lands in that tract, after the warrants issued from the state of Virginia, shall have been satisfied. And whereas, it is represented, that there will be, after the twenty-second of March next, upwards of one hundred thousand acres of legal Virginia military warrants unsatisfied, besides nearly half that quantity of resolution warrants; and that the persons holding those warrants, do not consider themselves bound by the act of congress, passed the 23d of March, 1804, prohibiting the location of Virginia military warrants, between the Scioto and Little Miami rivers, after three years from the passage of said act; there being no limitation mentioned in the act of the legislature of Virginia, granting lands to her officers and soldiers, nor in her reservation for satisfying those claims, when she ceded her territory, northwest of the river Ohio to the United States, which may cause much difficulty, litigation and expense, should the legislature of this state adopt measures for ascertaining and disposing of said surplus lands, agreeable

to the provisions of the above recited act. And as the quantity of land after satisfying said warrants, will probably be deficient, and the quality much inferior to any land in the state; the expense of ascertaining and laying off such detached fractions, will nearly amount to the value of the surplus land: Therefore,

*Resolved, by the general assembly of the state of Ohio,*  
That our senators and representative in the congress of the United States, be requested to use their exertions to obtain a grant from congress for a tract of land, equal to the one thirty-sixth part of the land between the Scioto and Little Miami rivers, in any part of the unappropriated lands of the United States, within this state, for the use of schools, within the Virginia military district, in lieu of the donation heretofore granted by congress for that purpose; and that the governor be, and is hereby authorized to transmit copies of the foregoing resolution to our senators and representative in congress.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

December 25th, 1806.

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*A resolution expressive of the opinion of the general assembly of the state of Ohio, relative to the one-twentieth part of the net proceeds of the lands granted by congress for laying out, opening and making roads, leading from the navigable waters of the Atlantic to the Ohio, to the state of Ohio and through the same, and for other purposes.*

WHEREAS it appears to this general assembly, that by the first paragraph of the seventh section of the act of congress, entitled "An act to enable the people of

the eastern division of the territory north-west of the river Ohio, to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and for other purposes," section number sixteen, in every township of the United States' land, is granted to the inhabitants of such township for the use of schools, without providing any means by which said school lands were to be disposed of; and that by the third paragraph of the said seventh section, the one-twentieth part of the net proceeds of the lands lying within this state, sold by congress, from and after the thirtieth day of June, one thousand eight hundred and two, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads, leading from the navigable waters emptying into the Atlantic to the Ohio to the said state and through the same, such roads to be laid out under the authority of congress; and that the modification requested by the convention and acceded to by congress, is contained in the first clause of the first section of the act of congress, entitled, "An act in addition to, and modification of the propositions contained in the act, entitled 'An act to enable the people of the eastern division of the territory north-west of the river Ohio, to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and for other purposes,'" where it vests the lands appropriated for the use of schools within this state, in the legislature thereof in trust, for the use aforesaid. And that the several donations of land for the use of schools and the three per cent. to be applied to the laying out, opening and making roads within this state, are in addition to, and separate and distinct from the appropriations made by the first mentioned act: Therefore,

*Resolved, by the general assembly of the state of Ohio,* That our senators and representative in the congress of the United States, be requested to use their best endeavours to procure the passage of a law, appropriating the whole of one-twentieth part of the net proceeds of

lands lying within this state sold by congress, from and after the 30th day of June, 1802, granted to laying out and making public roads leading from the navigable waters emptying into the Atlantic to the Ohio, to this state, and through the same, agreeable to the true intent and meaning of the act, entitled "An act to enable the people of the eastern division of the territory north-west of the river Ohio, to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and for other purposes;" and that the governor be, and he is hereby requested to transmit copies of this resolution to our senators and representative in congress.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 13th, 1807.

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*A resolution on the subject of opening a canal around the Rapids of the Ohio.*

WHEREAS the governor of this state laid before the general assembly, at their last session, a statute of the state of Kentucky, entitled "An act to amend the act incorporating the Ohio canal company," together with sundry documents on the subject, which were postponed to this session. The present general assembly, considering the opening of a canal round the Rapids of Ohio, as an object of primary importance to the interest of the Western country and to the United States generally, therefore view the efforts of the legislature of Kentucky to accomplish that desirable object, as honorable to the state; but whereas the general assembly, from an examination of the provisions of the act aforesaid, are of opinion, that the same, in its principles

that are applicable to the interest of this state, are limited and imperfect in the following respects—first, that the act restricts and prohibits this state from subscribing for a number of shares equal to that of Kentucky; and secondly that the act aforesaid makes no provision how, or in what manner the state of Ohio is to subscribe; nor does the said act give this state any representation or control, in carrying into effect the design of the said incorporation: Therefore,

*Resolved, by the general assembly of the state of Ohio,* That it is impolitic for this state to accept of any shares in the Ohio canal company upon the principles contained in the provisions of the act aforesaid.

*Resolved, also,* That the governor be, and he is hereby requested to transmit to the governor of the state of Kentucky, a copy of this resolution.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 12th, 1807.

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*Resolution appointing certain road commissioners.*

*Resolved, by the general assembly of the state of Ohio,* That the following persons be, and they are hereby appointed commissioners to lay out the following roads, agreeably to the provisions of an act passed the fifth session of the legislature of the state of Ohio, making further appropriations of the three per cent. fund, granted for laying out, opening and making roads within this state:

Lewis Day and Robert Campbell, for the road from the south boundary of Trumbull, where the road lead-

ing from New Lisbon terminates, to intersect the road leading from Cleveland to the Portage.

For the road from the Portage to the town of Franklinton, Joseph Foos and Thomas Brown.

George Clark and John Burns, for the road from Yellow creek to Deerfield.

David Wherry, for the road from three miles west of the bridge over Wills' creek to Oliver Gorrell's.

Lewis Nye and William Browning, for the road from Marietta to Zanesville.

Philemon Beecher, for the road from Zanesville to Lancaster.

Nicholas Gassaway, for the road from the foot of Wheeling hill to Oliver Gorrell's.

James Ewing and Othaniel Looker, for the road from Cincinnati to Whitewater.

William Newell and Wyllis Silliman, for the road from Zanesville to the forks of the Muskingum.

John Brown and Robert Safford, for the road from Portsmouth to Gallipolis.

William Trimble and Levi Barber, for the road from Lancaster to Marietta.

William Newell and Henry Northrop, for the road from New Comerstown to the line between the ninth and tenth ranges.

James Heaton, for the road from Hamilton to Cincinnati.

James Williams and William Collins, for the road from West Union to Scioto salt lick.

Moses Hewitt, for the road from Chillicothe to Marietta.

Jeremiah M'Lene and Jacob Grubb, for the road from Chillicothe to Franklinton.

Nathaniel Beasley and James Galloway, Jr., for the road from West Union to Urbana.

William C. Schenck and David Pugh, for the road from Morgan Vanmeter's to the town of Eaton.

John Jackson and James Kerr, for the road from Hezekiah Griffith's ferry to Cadiz.

Amos Wilson and Henry Watt, for the road from Steubenville to Yellow creek, on the road to New Lisbon.

Isaac Jenkinson and William Farquher, for the road from the north-west corner of the seven ranges to Bethlehem.

Robert Wilkin, for the road from Cadiz to Wills' creek.

Calvin Cone and Titus Hays, for the road from township No. six to the mouth of Ashtabula creek.

William Ferguson, for digging the hills on the Little Miami, for the road from Chillicothe to the college township in Butler county.

Cornelius Snyder, for the road from Chillicothe to Cincinnati.

Giles Hempstead and Elijah Hatch, Jr., for the road from Athens by Belpre to Marietta.

John Warth, for the road from Chillicothe to Gallipolis.

Joseph Jackson and James Fowler, for the road from the mouth of Bulskin creek, in Clermont county, to intersect the road leading from West Union to Xenia.

John Willy, for the road from the mouth of Short creek to where the same intersects the Wheeling road.

John Hart, for the road from Cincinnati to the North Bend.

Andrew Bell and James Moore, for the road from Steubenville to the north-west corner of the seven ranges.

John P. Bissell and William Raymon, for the road from Youngstown, in the county of Trumbull, to intersect the road leading from Cleveland, in the county of Geauga, to the Portage in said Trumbull county.

ABRAHAM SHEPHERD,

Speaker of the house of representatives.

THOMAS KIRKER,

Speaker of the senate.

February 4th, 1807.

*Resolution on the subject of distributing the laws and journals of the present session.*

*Resolved, by the general assembly of the state of Ohio,* That when the laws of the present session shall be printed, the secretary of state shall immediately transmit to the clerks of the court of common pleas of the several counties, the number of copies following, to-wit:

To Geauga county, seventy; to Trumbull county, one hundred and forty; to Columbiana county, one hundred and twenty-five; to Jefferson county, one hundred and twenty-five; to Belmont county, ninety-six; to Washington county, ninety-five; to Muskingum county, seventy; to Gallia county, sixty; to Athens county, fifty; to Fairfield county, one hundred and twenty-four; to Franklin county, seventy; to Ross county, one hundred and forty-five; to Scioto county, forty-five; to Adams county, ninety-five; to Clermont county, sixty; to Highland county, fifty; to Champaign county, forty-five; to Green county forty-five; to Warren county, seventy-five; to Montgomery, sixty; to Miami county, forty; to Butler county, seventy-five, and to Hamilton county, one hundred and thirty.

And also, when the journals of both houses are printed, such number of them as will be in proportion to the number of the laws that are directed to be printed to each county, to be distributed among the several officers, agreeable to the directions of the associate judges of each county.

*Resolved,* That the secretary of state do furnish the following persons with the laws of the present session: To the secretary of state of the United States, one copy; to the governor, to the judge of the district of Ohio, the judges of the supreme court, the presidents of the courts of common pleas, the auditor and treasurer, one copy each; and shall retain fifty copies for the use of the next general assembly: *Provided,* That when there shall be no clerk in any county, the laws and journals as



aforesaid, shall be left with one of the associate judges of the court of common pleas.

*Resolved*, That the governor of this state do transmit to the executives and secretaries of the several states, one volume of the acts of the present session.

And that the door-keepers of the senate and house of representatives take possession of the public property now in possession of the senate and house of representatives, to-wit:—Furniture, books and stationery, and deliver the same to the next general assembly.

*Resolved*, That the secretary of state shall transmit with the laws of the present session, to the clerks of the courts of common pleas of the several counties, the number of bound volumes of the laws of this state and copies of the laws of the last session, following—

To the clerk of the county of Columbiana, ten copies of each; to the clerk of the county of Geauga, four; to the clerk of the county of Gallia, four; to the clerk of the county of Miami, eight; to the clerk of the county of Franklin, four; to the clerk of the county of Scioto, four; to the clerk of the county of Montgomery, four; to the clerk of the county of Green, four; to the clerk of the county of Champaign, four; to the clerk of the county of Highland, four.

ABRAHAM SHEPHERD,

Speaker of the house of representatives.

THOMAS KIRKER,

Speaker of the senate.

February 3d, 1807.

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*Resolution on the subject of printing certain copies of the militia law.*

*Resolved*, by the general assembly of the state of Ohio, That the public printer be directed to print twenty-four hundred copies of the militia law, separate from those

copies thereof, which will be printed with the other acts of this session; six hundred of which copies shall be forwarded by the secretary of state to each of the major generals, who shall cause one copy to be distributed to each of the commissioned officers, in the several divisions.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

February 3d, 1807.

---

*Resolution requesting John Smith, Esquire, in the senate of the United States from this state, to resign his seat therein.*

WHEREAS it is the opinion of this general assembly, that in the present interesting crisis, it is necessary that every public officer should be at his post, and all public functionaries should possess the confidence of their constituents. And whereas it appears, that John Smith, Esquire, senator in the congress of the United States from this state, has not attended to the duties of that important office: Therefore,

*Resolved, by the general assembly of the state of Ohio,* That it be, and is hereby recommended to John Smith, Esquire, that he resign his seat in the senate of the United States; and that the governor be, and he is hereby requested to forward a copy of this resolution to the said John Smith, Esquire.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

December 23d, 1806.

Attest,

WM. R. DICKINSON, CLK. H. R.

*Resolution requesting our senators and representative in congress to use their exertions to procure the passage of a law prohibiting the importation of slaves into the United States, or the territories thereof.*

*Resolved, by the general assembly of the state of Ohio,* That our senators and representative in the congress of the United States, be requested to use their exertions to procure the passage of a law, prohibiting the importation of slaves into the United States, or any of the territories, so soon as the constitution will admit of the same.

*Resolved,* That the governor be, and is hereby requested to transmit copies of the foregoing resolution to our senators and representative in congress.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

December 25th, 1806.

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*Resolution appointing commissioners to fix the seat of justice in the county of Miami.*

*Resolved, by the general assembly of the state of Ohio,* That Joseph Lamb and Jesse Newport, of Warren county, and Daniel Wilson, of Green county be, and they are hereby appointed commissioners (agreeably to the provisions of an act, entitled "An act establishing seats of justice,") to fix the seat of justice in the county of Miami.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

February 4th, 1807.

*Resolution for instructing the public printer to print certain copies of the constitution of this state.*

*Resolved, by the general assembly of the state of Ohio,*  
That the public printer be instructed to print two thousand copies of the constitution of this state.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 12th, 1807.

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*Resolution instructing the public printer to print the journals and laws of the present session.*

*Resolved, by the general assembly of the state of Ohio,*  
That the public printer be instructed to print two hundred copies of the journals of each house, and two thousand copies of the laws of the present session, for the use of the state.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 12th, 1807.

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*A resolution requesting our senators and representative in congress, to procure a law establishing the northern boundary line of this state.*

WHEREAS the northern boundary line of this state is uncertain, and has never been ascertained; and as it is generally believed an east and west line drawn through the southwardly extreme of Lake Michigan, running east after intersecting the due north line from the mouth of the Great Miami river, will not intersect Lake Erie, or if it should intersect the said Lake, it will be at a point east of the mouth of the Miami river of the Lake; therefore,

*Resolved, by the general assembly of the state of Ohio,*  
That our senators and representative in the congress of the United States, be instructed and required to use their influence to obtain the passage of a law in the congress aforesaid, to ascertain and define the northern boundary line of this state, and fix the same agreeable to the provisions contained in the sixth section of the seventh article of our constitution.

*Resolved, further,* That the governor of this state be, and he is hereby required to transmit forthwith copies of this resolution, to our senators and representative in congress aforesaid.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 24th, 1807.

*Resolution to authorize the joint committee of ways and means, to close a contract for printing the laws, journals and other necessary printing for the present session.*

*Resolved, by the senate and house of representatives,*  
That the joint committee of ways and means be authorized to close a contract with Thomas G. Bradford & Co., or Joseph S. Collins & Co., or both, for printing the laws, journals and other necessary printing for the present session.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 12th, 1807.

*Resolution directing the joint committee for enrolled bills, to erase the word "October," from the bill for establishing the seat of justice for the county of Highland, and to insert, in lieu thereof, the word "January."*

WHEREAS an error has crept into the bill, entitled "An act to establish the seat of justice in the county of Highland," by the word "October" being inserted in the fifth line of the first section, instead of the word "January;" therefore,

*Resolved, by the senate and house of representatives, That the joint committee for enrolled bills, when examining the said bill, be, and they are hereby instructed to rectify the error, by erasing the word "October," in the fifth line of the first section, and inserting, in lieu thereof, the word "January."*

ABRAHAM SHEPHERD,

Speaker of the house of representatives.

THOMAS KIRKER,

Speaker of the senate.

January 12th, 1807.

*Resolution instructing the joint committee appointed to examine the books and vouchers of the auditor and treasurer, to enter on the books of the auditor certain credits to the treasurer.*

*Resolved, That the joint committee appointed to examine the auditor and treasurer's books and vouchers, be, and they are hereby authorized and required, to cause to be entered on the books of the auditor, such*

credits to the treasurer of state, as from his vouchers he is entitled to, and report to their respective houses.

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

January 26th, 1807.

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*Resolution instructing the printer to print certain copies of the governor's proclamations for the establishment of counties under the territorial government.*

*Resolved, by the general assembly of the state of Ohio, That the public printer be instructed to print two thousand copies of the governor's proclamations for the establishment of counties under the territorial government, and attach the same to the laws of the present session.*

ABRAHAM SHEPHERD,  
Speaker of the house of representatives.

THOMAS KIRKER,  
Speaker of the senate.

February 3d, 1807.

## REPORT.

The joint committee appointed to examine the vouchers and books of the auditor and treasurer of state, have, according to order, performed that service, and find the vouchers and entries in their respective books correspond, and their books regularly kept in each office.

Your committee further state, that from the amount of audited certificates found redeemed at the treasurer's office, together with the interest thereon, within the last year, it appears that the said treasurer is entitled to a credit of twenty-eight thousand six hundred eighty-four dollars, seventy-one cents and four mills, which your committee would recommend to be entered on the auditor's books as a credit to the treasurer.

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 AUDITOR'S REPORT.

*To the honorable the senate and house of representatives of the state of Ohio.*

In obedience to the laws, the auditor of accounts asks leave to report a statement of the revenue for the year one thousand eight hundred and six.

The amount of resident and non-residents' lands entered for taxation in the different districts, from number one to number six inclusive, amounts to seven millions, nine hundred and seventeen thousand, five hundred and ninety acres of different rates, which produces forty-eight thousand two hundred and sixty dollars and fifty-eight cents, as will appear by schedule marked A.

The appropriations and contingent fund granted at the last session of the legislature for the service of the present year, amount to twenty thousand nine hundred and seven dollars.

There has been paid on said appropriations and on



the contingent fund, fourteen thousand six hundred and twenty-four dollars, seventy-five cents, eight mills. On former appropriations, to-wit: the officers of government, their salaries, ending the thirtieth of March, one thousand eight hundred and six; adjutant general, brigade majors, etc., four thousand two hundred and eighty-eight dollars—making the total amount paid for eighteen hundred and six, eighteen thousand nine hundred and twelve dollars, seventy-six cents, eight mills, which will appear by schedule marked B.

The amount of monies due and unpaid by delinquent collectors, with a statement of the prosecutions so far as have come to the knowledge of the auditor, together with a statement of fines and forfeitures, and fees due to the state, will appear by schedule marked C.

It has been seen that the amount of	
revenue is.....	\$ 48,260.58
Supposed defalcations and fees is.....	7,350.81 3
	<hr/>
Net tax.....	\$ 40,909.77 3
	<hr/>
One-half the net tax for the state is.....	\$ 20,454.88 6
Debts due by delinquent collectors is	
.....	\$ 8,734.08 9
	<hr/>
Of which sum is due to the state.....	4,619.22 9
Fines and forfeitures.....	892.56
	<hr/>
Leaves a balance to the state of.....	\$ 25,966.67 5
	<hr/>

The additional amount of lands entered for the year 1806, is 664,740 acres, producing \$4,748.58 5.

It may perhaps be thought, the sum allowed for defalcations and fees, is estimated to excess, but no loss will accrue to the counties or to the state, for when the district collectors make their final settlement at this office, the surplusage, if any, can then be paid into the state and county treasuries, according to law. It was presumable by the auditor, to count on and report to

the honorable the legislature, a certain revenue for the present year.

The auditor conceives it his duty, to state to the legislature, that suit was brought against the collector of the county of Fairfield, for the year one thousand eight hundred and five, for upwards of three thousand dollars, at July term last; that a writ of *certiorari* was granted and the cause removed to the supreme court, where it is now pending.

The aggregate amount of warrants drawn by the auditor on the treasury for the service of the present year, and from his last report to the legislature, is eighteen thousand nine hundred and twelve dollars, seventy-six cents, eight mills.

All which is respectfully submitted.

THOS. GIBSON, Auditor,  
For the state of Ohio.

Auditor's Office, Chillicothe, }  
December 3d, 1806. }

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### TREASURER'S REPORT.

Treasurer's Office,  
Chillicothe, Dec. 3d, 1806.

Sir,

I have the honor to enclose you a report, prepared in obedience to the act, entitled "An act defining the duties of the auditor and treasurer of state."

I am very respectfully, your obedient,  
humble servant,

WILLIAM M'FARLAND.

The Honorable the speaker of the house of }  
representatives of the state of Ohio. }

## THE TREASURER OF THE STATE OF OHIO, DR.

\$ Cts. M.

To amount of taxes, etc., received from the twentieth of November, 1805, to the twen- tieth of November, 1806.....	28,625.73 0
To balance of cash on hand the 20th November, 1805.....	161.21 1
	<hr/>
	\$ 28,786.94 1
	<hr/>
To balance of cash as per contra.....	\$ 102.22 7

<i>Contra</i>	<i>Cr.</i>
	\$ Cts. M.
By audited certificates received in part payment of taxes, etc., from the 20th of November, 1805, to the 20th of November, 1806.....	16,458.00 0
By interest on the same.....	554.76 2
By audited certificates redeemed with cash from the 20th of November, 1805, to the 20th of November, 1806.....	11,552.00 0
By interest on the same.....	119.95 2
By balance of cash on hand the 20th of November, 1806.....	102.22 7
	\$ 28,786.94 1

*To the honorable the general assembly of the state of Ohio.* }

The above is a statement of the receipts and expenditures of the public money for one year, ending the twentieth of November last, which is respectfully submitted.

WILLIAM M'FARLAND,  
*State Treasurer.*

Treasurer's office, Chillicothe, }  
December 3d, 1806. }

*Secretary of State's Office,*

CHILlicothe, OHIO.

The foregoing laws and resolutions of the general assembly of the state of Ohio, are correct copies of the rolls in my office.

Attest,

WILLIAM CREIGHTON, JR.,

*Secretary of State.*

May 18th, 1807.

# PROCLAMATIONS

For the Establishment of Counties Under the Territorial Government.

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*Washington county, July 27th, 1788.*

BOUNDARIES—Beginning on the bank of the Ohio river, where the western boundary line of Pennsylvania crosses it, and running with that line to Lake Erie; thence along the southern shore of said lake, to the mouth of Cuyahoga river; thence up said river to the Portage, between it and the Tuscarawa branch of Muskingum; thence down that branch to the forks, at the crossing place above Fort Lawrence; thence with a line to be drawn westerly, to the Portage, on that branch of the Big Miami on which the fort stood that was taken by the French in 1752, until it meets the road from the lower Shawnese town to Sandusky; thence south to the Scioto river; thence with that river to the mouth, and thence up the Ohio river to the place of beginning.

*Hamilton county, January 2d, 1790.*

Beginning on the bank of the Ohio river, at the confluence of the Little Miami, and down the said Ohio river to the mouth of the Big Miami, and up said Miami to the standing stone forks or branch of said river, and thence with a line to be drawn due east, to the Little Miami, and down said Little Miami river to the place of beginning.

*Wayne county, August 15th, 1796.*

Beginning at the mouth of the Cuyahoga river, upon Lake Erie, and with the said river to the Portage, between it and the Tuscarawa branch of the Muskingum; thence down the said branch to the forks, at the carrying place above Fort Lawrence; thence by a west line, to the eastern boundary of Hamilton county, (which is

a due north line from the lower Shawnese town upon the Scioto river) thence by a line west-northerly to the southern part of the Portage, between the Miamis of the Ohio and the St Mary's river; thence by a line also west-northerly, to the south-western part of the Portage, between the Wabash and the Miamis of Lake Erie, where Fort Wayne now stands; thence by a line west-northerly, to the most southern part of Lake Michigan; thence along the western shores of the same, to the north-west part thereof, (including the lands upon the streams emptying into the said lake) thence by a due north line to the territorial boundary in Lake Superior, and with the said boundary through Lakes Huron, Sinclair and Erie, to the mouth of Cuyahoga river, the place of beginning.

*Adams county, July 10th, 1797.*

Beginning upon the Ohio river, at the upper boundary of that tract of twenty-four thousand acres of land, granted unto the French inhabitants of Gallipolis, by an act of the congress of the United States, bearing date the third of March, 1795; thence down the said Ohio river, to the mouth of Elk river, (generally known by the name of Eagle creek) and up with the principal water of the said Elk river or Eagle creek, to its source or head; thence by a due north line, to the southern boundary of Wayne county, and easterly along said boundary, so far that a due south line shall meet the interior point of the upper boundary of the aforesaid tract of land of twenty-four thousand acres, and with the said boundary to the place of beginning.

*Jefferson county, July 29th, 1797.*

Beginning upon the bank of the Ohio river, where the western boundary of Pennsylvania crosses it, and down the said river to the southern boundary of the fourth township in the third range, (of those seven ranges of townships that were surveyed in conformity to the ordinance of congress of the 20th of May, 1785) and with the said southern boundary west, to the S. W.

corner of the sixth township of the fifth range; thence north, along the western boundary of the said fifth range, to the termination thereof; thence due west, to the Muskingum river, and up the same to and with the Portage, between it and the Cuyahoga river; thence down Cuyahoga, to Lake Erie; thence easterly, along the shores of the Lake, to the western boundary of Pennsylvania, and south with the same, to the place of beginning.

*Alteration in the boundaries of Hamilton, Wayne and Knox, June 22d, 1798.*

The western boundary of the county of Hamilton, shall begin at the spot on the bank of the Ohio river, where the general boundary line between the lands of the United States and the Indian tribes, established at Granville the third day of August, 1795, intersects the bank of that river, and run with that general boundary line to Fort Recovery, and from thence by a line to be drawn due north from Fort Recovery, until it intersects the southern boundary line of the county of Wayne and the said line from the Ohio to Fort Recovery, and from thence to the southern boundary of the county of Wayne, shall also be the eastern boundary of the county of Knox.

*Ross county, August 20th, 1798.*

Beginning at the forty-second mile tree, on the line of the original grant of land by the United States to the Ohio company, which line was run by Israel Ludlow, and running from thence west, until it shall intersect a line to be drawn due north from the mouth of Elk river, (commonly called Eagle creek) and from the point of intersection running north, to the southern boundary of the county of Wayne, and from thence easterly with the said boundary of Wayne, until a north line to be drawn from the place of beginning, shall intersect the same; and if it should be found that a north line drawn from the place of beginning, will not intersect the said southern boundary of Wayne, then an east line is to



be drawn from the eastern termination of the said boundary, until it shall intersect the aforesaid north line to be drawn from the place of beginning.

August 20th, 1798.

*Alteration made in the eastern boundary of the county of Adams (to commence from and after the—day of September next).*

To begin on the bank of the Ohio, where Elk river or Eagle creek empties into the same, and run from thence due north, until it intersects the southern boundary of the county of Ross; and all and singular the lands lying between the said north line and Elk river or Eagle creek shall, after the said ———— day of September next, be separated from the county of Hamilton, and added to the county of Adams.

*Trumbull county, July 10th, 1800.*

Beginning at the completion of the 41st degree of north latitude, one hundred and twenty miles west of the western boundary of Pennsylvania, and running from thence by a line to be drawn north parallel to and one hundred and twenty miles west of the said west line of Pennsylvania, and to continue north until it comes to 42 degrees 2 minutes north latitude; thence with a line to be drawn east, until it intersects the said western boundary of Pennsylvania; thence with the said western boundary of Pennsylvania south, to the completion of the 41st degree of north latitude, and from thence west, to the place of beginning.

*Clermont county, December 6th, 1800.*

Beginning at the mouth of Nine mile or Muddy creek, where it discharges itself into the Ohio, and running from thence with a straight line, to the mouth of the east branch of the Little Miami river; thence with the Little Miami river, to the mouth of O'Banion's creek; thence with a due east line, until it shall intersect a line drawn due north from the mouth of Elk river or

Eagle creek; thence with that line south, to the mouth of the said Elk river or Eagle creek, and from thence with the Ohio, to the place of beginning.

*Fairfield county*, December 9th, 1800.

Beginning at a point in the East line of the 15th range of townships, and west of the fourteenth range, as surveyed in pursuance of the ordinance of congress of the 20th of May, 1795, where the said line intersects the south boundary line of the military land, and running from thence north, until it intersects the Indian boundary line; thence returning to the before mentioned, and running south by the said range line between the 14th and 15th ranges, until it intersects the north boundary line of the Ohio company's purchase; thence with the said northern boundary line due west, to the north-west corner of the said Ohio company's purchase; thence south, six miles; thence with a line drawn due west, until it intersects the western boundary of the twentieth range of townships; thence with the western boundary of the said twentieth range, to the before mentioned Indian boundary line, and with that line of limit to the before mentioned intersection of that boundary line.

*Belmont county*, September 7th, 1801.

Beginning on the Ohio river, at the middle of the fourth township of the second range of townships, in the Seven Ranges, and running with the line between the third and fourth sections of that township, north, to the western boundary of the said Seven Ranges; thence south with the said western boundary, to the middle of the fifth township, in the seventh range of townships; thence east, with the line between the third and fourth sections of the said fifth township, to the Ohio river, and from thence with the Ohio river, to the place of beginning.

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