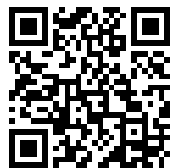

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BLUMENSTIEL, STRONG AND BLUMENSTIEL

ALBERT F. BLAKELY

ACTS

PASSED AT

THE FIRST SESSION

OF THE

NINTH GENERAL ASSEMBLY

OF THE

State of Ohio;

BEGUN AND HELD IN THE TOWN OF

ZANESVILLE,

DECEMBER 3d, 1810.

AND IN THE NINTH YEAR OF THE SAID STATE:

ALSO, THE

REPORTS

OF THE

AUDITOR AND TREASURER.

VOL. IX.

PUBLISHED BY AUTHORITY.

ZANESVILLE:

PRINTED BY WHITE, SAWYER & CHAMBERS.

1811.

LAWS, &c.

CHAPTER I.

AN ACT directing the treasurer of state to transmit to the secretary of the treasury of the United States, an account of the application of the three per cent. fund.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the treasurer of this state shall forthwith transmit to the secretary of the treasury of the United States an account of the application of the three per cent. fund, heretofore made, and an annual account of the application of the said fund. Duty of the treasurer.

SECT. 2. *And be it further enacted,* That the treasurer of this state shall be entitled to receive the sum of two dollars for every day that he is actually engaged in performing the duties enjoined on him by the first section of this act. His compensation.

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

December 15, 1810.

CHAPTER II.

AN ACT supplementary to the act levying a tax on land.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the district District-collectors to

make deeds for land heretofore sold for taxes.

collectors, for the time being, shall make deeds to the purchaser or purchasers, his or their heirs or assigns, for all lands heretofore sold for taxes within their respective districts, which have not been conveyed in the same manner, and under the like restrictions, as the collector who made the sale might have done under the law authorising such sale; and for every such deed or conveyance he shall be entitled to receive seventy-five cents: *Provided*, That all deeds and conveyances of land made by the district collectors, from and after the nineteenth day of February last, for land sold for the non-payment of taxes previous to the passage of this act, be, and they hereby are made and declared as good and valid in law, to all intents and purposes, in the same manner as if the act entitled "an act levying a state tax," passed the twenty-seventh day of January, A. D. one thousand eight hundred and six, had not been repealed.

His compensation.

Proviso.

Duty of auditor in making out apportionment of tax due the several counties, to direct any sum due from any county to the state, to be paid over by district collector.

SECT. 2. *Be it further enacted*, That in making out the apportionment of tax which would, under the act to which this is a supplement, be payable to the different county treasurers for the use of such counties, the auditor is hereby authorised and required to deduct from the amount thereof all such sum or sums which from an examination of the books in his office shall be found due to the state treasury from any county or counties, on account of taxes heretofore charged on land within such counties, and direct the several district collectors to whom the taxes collected from resident proprietors within such delinquent counties are payable, under the tenth and fiftieth sections of the act levying a tax on land, to pay over to the state treasurer for the use of the state, the full amount of all such dues as may be certified to him by the auditor out of that proportion of tax in his

hands, which would otherwise be payable to such county or counties, on account of collections made for the year one thousand eight hundred and ten, and if the proportion arising from the taxes of that year is found to be insufficient to pay up the full amount which appears to be due, the auditor shall direct the residue thereof to be paid out of the next or any future year's apportionment, until the whole be paid.

SECT. 3. *Be it further enacted,* That each district collector is hereby bound to pay over to the state treasurer, under the directions of the auditor, the full amount of all such sums as may be in his hands, under the requisitions of the preceding section of this act, at the same time, in the same manner, and under the same penalties, as he stands bound to pay over other monies by him collected for the use of the state, and the state treasurer's receipt, produced to the auditor on settlement, shall be a sufficient discharge for the amount therein specified.

Duty of district collector to pay over to the state treasurer monies due from counties under the direction of auditor.

SECT. 4. *And be it further enacted,* That the several district collectors shall retain two per cent. out of all taxes paid over to them after the first day of February, one thousand eight hundred and eleven, by the collectors of resident taxes, under the tenth section of the act to which this is a supplement, and no more, any law to the contrary notwithstanding.

District collector's compensation.

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

Commencement.

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 1, 1811.

CHAPTER III.

AN ACT for the preservation of the original field notes of Symmie's purchase.

J. C. **SECT. 1.** *Be it enacted by the general assembly of the state of Ohio,* That John Cleve Symmes, esq. or his heirs, executors, or administrators, be requested to deliver on oath all and singular the original field notes and papers of the Miami purchase, so called, now in his possession or within his contract, to the persons hereinafter named.

Symmes or heirs, &c. to deliver certain field notes on oath.

SECT. 2. *Be it further enacted,* That the recorders of the counties of Hamilton, Butler and Warren, are hereby authorised and required, on condition that the said John Cleve Symmes, his heirs, executors, or administrators, will consent to the same, to record the said field notes and papers in his possession, concerning the surveys of the purchase aforesaid, in each of the records of said county, which record or a duly certified copy thereof shall be admitted as evidence in any court in this state, in all cases where the original field notes aforesaid would be legal evidence.

Which shall be recorded in certain counties.

A certified copy whereof to be admitted as evidence in certain cases.

SECT. 3. *Be it further enacted,* That after the field notes aforesaid shall be recorded, the commissioners of each of the counties aforesaid are required to diligently compare said record with the original field notes and correct the same, if necessary; after which the originals shall be returned to the said John Cleve Symmes, his heirs, executors or administrators, and the recorders aforesaid for the service required of them by this act shall receive such compensation as the commissioners of the said counties shall think just and reasonable.

County commissioners to compare the record with the original.

The original to be returned.

Recorder how compensated.

This act to take effect and be in force from Commence-
and after the passage thereof. ment.

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 1, 1811.

—●—
CHAPTER IV.

AN ACT making a temporary appropriation of money for certain purposes.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the sum of eight thousand dollars 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, on the certificates of the speakers of the respective houses; also, a sum not exceeding five hundred dollars, to be paid to the public printers on the certificate of the secretary of state agreeably to contract; and the auditor of public accounts is hereby directed to issue bills, payable at the treasury of state, to the amount of said certificates.

8000 dollars appropriated.

For what purpose.

500 dollars appropriated.

Duty of auditor.

This act to be in force from and after the passage thereof. Commence-
ment.

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 4, 1811.

CHAPTER V.

AN ACT regulating mill-dams on the Little Miami river.

Owners of mill-dams to build a slope therein.

To be completed in 2 years.

Dimensions thereof.

Persons erecting mill dams after the passage of this act, to be governed by the 1st section.

Slopes in what part of the dam placed.

Persons offending against this act, how punished.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the owner or owners of any mill-dam on the Little Miami river, from the mouth of Beaver creek, in the county of Green, to the confluence of the said river with the river Ohio, shall within two years from and after the passage of this act, build, or cause to be built a slope in his, her, or their dam, and shall make the same twenty-five feet in width, the mouth of which shall be sunk one foot below the average top of the dam, and shall extend down the stream in proportion to the height of the dam so that there shall not be more than one inch fall for every foot in length of said slope.

SECT. 2. *Be it further enacted,* That each and every person or persons who shall, from and after the passage of this act, build, or cause to be built, any dam over the said river, shall build the slope in the same of such size and dimensions as in the first section of this act specified; all slopes made and provided as required by this act shall be placed in such part of the said dam where the main current or channel of said river shall run or strike the said dam, and shall keep the same in constant repair so as to admit and afford the safe passage of rafts, boats and other water crafts down the said river.

SECT. 3. *And be it further enacted,* That if any person or persons shall offend against the provisions contained in this act, every such person or persons so offending, shall forfeit and pay for every such offence not exceeding one hundred

and fifty dollars, at the discretion of the court, to be recovered by indictment, for the use of the county, and moreover be liable to any person or persons for any injury they may sustain thereby, to be recovered in any court having cognizance of the same at the suit of the party injured.

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

EDWARD TIFFIN,
Speaker of the house of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 4, 1811.

CHAPTER VI.

AN ACT to amend the act entitled "an act to raise money by way of lottery, to improve the navigation of the Cuyahoga and Muskingum rivers."

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the commissioners appointed by the act entitled an act to raise money by way of lottery to improve the navigation of the Cuyahoga and Muskingum rivers, be, and they are hereby authorized and empowered to alter, modify, or reduce their former lottery scheme, and also to divide the said 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 fourteen. Commissioners authorized to alter former scheme. Proviso.

A

Notice of alteration to be given, and how.

Former purchasers of tickets intitled to their money.

Commencement.

SECT. 2. *Be it further enacted.* That if the said commissioners shall alter, modify, or reduce their former scheme, they shall at the time they publish their first scheme, under the provisions of this act, notify and invite (by advertising in some newspapers published in the states of New York, Connecticut, and Ohio) all persons who may have purchased tickets under the former scheme, to return said tickets (if they may think proper) and on the return of such ticket or tickets to call upon the commissioners aforesaid, or either of them, from whom they may have purchased, and demand and receive any monies they may have paid.

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

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

January 4, 1811.

CHAPTER VII.

AN ACT to remove the seat of justice in the county of Dark.

Preamble.

WHEREAS it is the unanimous wish of the citizens of Dark county, that the seat of justice for said county should be removed to the town of Greenville at Greenville old fort—
Therefore,

Greenville old fort declared to be the seat of justice for Dark county.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the town of Greenville, at Greenville old fort, in the county of Dark, be, and the same is hereby declared to be the seat of justice in and for the county

aforesaid, and that after said county shall be organized, all courts to be held in and for said county shall be held in the said town of Greenville, and all officers that are or may be connected therewith are required to conduct themselves accordingly: *Provided nevertheless*, That the proprietor or proprietors of said town shall, on or before the first day of July next, execute to the commissioners of Miami county, a bond with such sufficient security as the said commissioners may deem requisite for one-third of the whole number of in and out lots, and the public square laid off in said town; also one-third of all lots that may hereafter be laid off, adjoining or incorporated with the same, to be disposed of for the benefit of the county first above mentioned, in manner hereinafter provided.

Proviso.

Proprietor to give bond with sufficient security.

SECT. 2. *Be it further enacted*, That as soon as the proprietor or proprietors of the town above mentioned, shall make known to the commissioners aforesaid in writing, with his, her or their names annexed, enclosing an accurate plat of said town, that he, she, or they will comply with the requisitions of the preceding section of this act, the commissioners thus notified shall immediately, or as soon as practicable, appoint a director and furnish him with the plat above mentioned, who shall on such day thereafter as the commissioners may direct, attend with the proprietor or proprietors aforesaid, at the town aforesaid, for the purpose of dividing the lots in manner following, that is to say, the proprietor or proprietors shall have the first and third choice—and the director the second choice, alternately, until the division shall be completed.

Commissioners of Miami county to appoint a director.

Duty of director to make choice of one-third of the lots laid out.

SECT. 3. *Be it further enacted*, That after the division shall have taken place as before directed, the proprietor or proprietors shall (in

Director to take bond from the

proprietor for the conveyance of said lots to the county.

Duty of court of com. pleas, Miami county.

Director how compensated.

Proviso, in case the proprietor fails to comply.

Commissioners to commence suit.

Duty of director previous to any sale of lots, to give notice to pur-

presence of the director) execute the bond in manner as is directed by the first section of this act, stating in the conditions thereof at what time he, she, or they shall make out and execute to the county of Dark a sufficient deed for said lots, which bond shall be by the director deposited with the clerk of the court of common pleas for the county of Miami, and remain on file in his office until the conditions thereof shall be fully complied with; and the lots thus selected shall be disposed of under the direction of the court of common pleas for the county of Miami, who shall allow the director such compensation for his services as may appear just and reasonable, which, together with all other legal costs and charges which may accrue in carrying this act into effect, shall be paid out of the first monies arising from the sales of the lots selected for the county as above, and the balance to be deposited in the treasury of the county of Miami, and paid over to the county of Dark, as soon as such county shall be organized: *Provided nevertheless*, That if the proprietor or proprietors shall fail on his, her, or their part to comply with the requisitions of this act after he, she, or they shall have given notice to the commissioners as is required by the second section of this act, he, she, or they shall pay all cost and damages which may have accrued in making the necessary provisions to carry the same into effect, and on failure thereof it shall be the duty of the said commissioners to institute suit, &c.

SECT. 4. *Be it further enacted*, That the director shall, prior to any sale or sales of the lots thus selected for the county, give at least twenty days notice, in writing to every person or persons who may have purchased any lot or lots in the present seat of justice, in the said county

of Dark, and complied with the terms of the sales thereof, to attend on some day (designated in the notice) and make choice of and select as many lots from the number selected for the county, in the town contemplated by this act to be the seat of justice in said county, which lots shall be set off to them at the same price at which they have purchased the lots in the present seat of justice, and all monies which have been paid by them for lots purchased in the present seat of justice, shall be placed to their credit for the lots which they may select in the town which is by this act recognized to be the seat of justice for said county.

chasers of lots in the present seat of justice.

Proceedings thereon.

SECT. 5. *And be it further enacted,* That in case the proprietor or proprietors of the town of Greenville aforesaid, shall fail or refuse to comply with the requisitions of the first and second sections of this act, the seat of justice in and for said county of Dark shall be and remain at the place designated by the commissioners, in the same manner as if this act had not been passed.

Proprietor failing to comply the seat of justice to remain at the present seat

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

Commencement.

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

January 4, 1811.

CHAPTER VIII.

AN ACT providing for the relief and support of women who may be abandoned by their husbands, and for other purposes.

WHEREAS it is represented to the general Preamble.

assembly, that a sect of people in this state, called and known by the name of *Shakers*, inculcate and enjoin upon all who become attached to them, that they must lead a life of *celibacy*, in consequence of which women have been abandoned by their husbands, robbed of their children, and left destitute of the means of support—*Therefore,*

Persons forsaking their wives to join any religious society.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That, if any man being joined in the marriage relation, shall renounce the marriage covenant, or refuse to live with his wife in the conjugal relation, by joining himself to any sect, whose rules and doctrines require a renunciation of the marriage covenant, or forbid a man and woman to dwell and cohabit together in the conjugal relation, according to the true intent and meaning of the institution of marriage, it shall and may be lawful for the wife in such case, to file her petition in the office of the clerk of the court of common pleas, or of the supreme court, at least two months before the time of the sitting of said court, and shall also serve the adverse party with a copy of said petition, within one month from the time of filing the same, which petition shall state the true cause of complaint. And in case he shall not reside in her county, she shall publish such notice in some newspaper published in said county, or in the next adjacent county in which a newspaper is published.

The wife may file her petition.

Proceedings thereon.

Notice how to be given.

Duty of clerk to issue summons.

Proceedings

SECT. 2. *Be it further enacted,* That it shall be the duty of the clerk of such court, where the petition is filed, to issue a summons requiring the person complained of, to appear before the said court to answer the allegation of said petition; and, if the party complained of shall not appear, or appearing shall deny the facts stated in the petition, the court shall proceed to

hear and determine the same.

thereon.

SECT. 3. *Be it further enacted,* That if it shall appear to the said court, that the woman complaining has been lawfully married to the man of whom complaint is made, and that he hath renounced or violated the marriage covenant by joining such sect as above described, the court shall take such measures as to them shall seem right, to ascertain the amount of the property real and personal of such husband, and shall decree such part thereof to the woman as shall appear just and equitable.

Further proceedings thereon.

SECT. 4. *Be it further enacted,* That if the said husband and wife shall have a child or children (yet being in a state of minority) the husband so violating the marriage covenant shall be considered as having renounced and divested himself of all the authority he could have otherwise exercised over his children, and the court shall decree such part (or the whole) of the remainder of his property, real and personal, as to them shall seem right, to the use and support of the child or children aforesaid; and such child or children shall be, and remain under the care and direction of the mother:—*Provided,* that the court shall have power, if they shall deem it necessary, to appoint a guardian or guardians for such child or children, agreeably to the provisions of the thirty-fourth and thirty-fifth sections of the act, entitled “an act for the proving and recording wills and codicils, defining the duties of executors and administrators, the appointment of guardians, and the distribution of insolvent estates,” passed February tenth, one thousand eight hundred and ten: *And provided, also,* that if the court shall deem it necessary, they may direct such child or children to be bound to apprenticeship, agreeably to the sixth section of the act, entitled “an

Children being in their minority,

how supported.

& to be under the direction of the mother.

Proviso.

Guardians may be appointed.

Court may direct children to be bound apprentices.

act for the relief of the poor," passed February nineteenth, one thousand eight hundred and ten.

Grants, &c. made by the father to be void.

SECT. 5. *Be it further enacted*, That all gifts, grants or devises of money or property, real or personal, which may be made by any man as aforesaid, violating the marriage covenant, to such sect as before described, or any members of such sect, which may tend to deprive his wife or children of that support to which they are entitled, according to the true intent and meaning of this act, shall be utterly void; and all money or property so given, granted or devised, may be recovered at the suit of the party injured.

Persons enticing others to forsake their families, &c.

SECT. 6. *And be it further enacted*, That if any person shall, with an intent of causing any married man or woman, to renounce the marriage covenant, or abandon their wives, husbands, or children, entice or persuade such person to join any sect, or denomination of persons whatever, whose principles and practice inculcate a renunciation of the matrimonial contract, or the abandonment of wives and children, or either of them, contrary to the true intent and meaning of the marriage institution, shall, on conviction thereof be fined in any sum not exceeding five hundred dollars, at the discretion of the court having by law jurisdiction; and that all fines, incurred under this section, shall be paid into the treasury of the proper county for the use of the same: *Provided*, that nothing in this section contained shall be construed or understood to extend to any person for delivering any public sermon, exhortation or address.

How punished.

Fines to be paid into county treasury.

Proviso.

Commencement.

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

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

January 11, 1811. *Speaker of the Senate.*

CHAPTER IX.

AN ACT exempting certain lands from taxation.

WHEREAS three several tracts of land, containing four thousand acres each, lying on both sides of the Muskingum river, have been granted by the president of the United States to the Society of the United Brethren for propagating the Gospel among the Heathen, in trust, for the sole use of the christian Indians, who were formerly settled at the towns of the old and new town of Schoenbrun and Gnadenhutzen, on the aforesaid river, which are included in the aforesaid grant, or the remains of that society, including Killbuck and his descendants, and the nephew and descendants of the late captain White Eyes, Delaware chiefs—And whereas it hath been represented to the present general assembly, that the said lands are not as yet very productive, and the imposing a tax on said lands would have a tendency to defeat the humane intention or design of the original grant:—*Therefore,*

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the aforesaid three several tracts of land, containing four thousand acres, each, lying on both sides of the Muskingum river, and including the old and new town of Schoenbrun and the town of Gnadenhutzen, granted to the Society of the United Brethren for propagating the Gospel among the Heathen, in trust, for the sole use of the christian Indians, who were formerly settled there, or the remains of that society, including Killbuck and his descendants, and the nephew and descendants of the late captain White Eyes, Delaware chiefs, be, and the same are hereby declared free and exempt from all taxation, any

Three tracts
each 4000
acres, ex-
empt from
taxation.

former law to the contrary notwithstanding, subject, however, to any future disposition of the legislature.

**Commence-
ment.** This act to take effect and be in force from and after the passage thereof.

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 14, 1811.

CHAPTER X.

AN ACT authorising the secretary, treasurer, and auditor of state, to contract with printers in certain cases.

**Contract to
be closed 60
days previ-
ous to each
session.**

**Bond and
security to
be taken
from prin-
ters, or ar-
ticle, & one-
third of the
price reser-
ved as secu-**

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the secretary, treasurer and auditor of state, or a majority of them, are hereby directed to make and close, on behalf of the state of Ohio, a contract or contracts with one or more printer or printers, in this state, sixty days previous to every succeeding session of the general assembly thereof, upon the most advantageous terms and in the shortest period that can be procured, for all the public printing that may be required for that session, taking from the said printer or printers such sufficient security as the said officers or any two of them shall approve, for the faithful performance of said contract on the part of said printer or printers, or by entering into an article or articles with said printer or printers, setting forth explicitly the manner in which the public printing shall be executed, and reserving, as a

security for the true performance thereof, one-third part of the money required to be paid to said printer or printers as a compensation for his or their services, in such article or articles specified, until the whole of the printing shall be performed, which sum so reserved, shall be forfeited to the state in case of non-compliance on the part of the printer or printers with the terms of his or their contract or contracts.

rity, which to be forfeited for non-compliance.

SECT. 2. *And be it further enacted*, That the said secretary, treasurer, and auditor of state, shall, previous to entering into any contract for printing, give two months public notice in two newspapers, one of which shall be printed at the seat of government, that they will receive proposals from all such printers as may choose to apply therefor.

Two months notice to be given.

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

Commencement.

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 14, 1811.

CHAPTER XI.

AN ACT regulating the practice of physic and surgery.

WHEREAS the practice of physic and surgery is a science so immediately interesting to society that every encouragement for its promotion should be given, and every abuse of it, so far as possible, suppressed—*Therefore,*

Preamble.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio*, That this state be, and

The state divided in

to five medi- cal districts. it hereby is divided into five medical districts : the first district shall consist of the counties of Hamilton, Clermont, Warren, Green, Butler, Montgomery, Preble, Miami, Dark, Clinton, and any future sub-divisions thereof—the second district shall consist of the counties of Adams, Highland, Fayette, Madison, Scioto, Ross, Franklin, Delaware, Fairfield, Champaign, Pickaway, and all future sub-divisions thereof—the third district shall consist of the counties of Washington, Athens, Gallia, and all future sub-divisions thereof—the fourth district shall consist of the counties of Muskingum, Tuscarawas, Licking, Knox, Richland, Wayne, Coshocton, Guernsey, and all future sub-divisions thereof—the fifth district shall consist of the counties of Jefferson, Belmont, Columbiana, Stark, Trumbull, Geauga, Ash- tabula, Cuyahoga, Portage, Huron, and all future sub-divisions thereof; each district to contain three medical censors or examiners, to be appointed by the general assembly of the state of Ohio, who shall hold their appointments during good behaviour, or until such time as a medical society shall be incorporated in this state.

Three cen- sors to be appointed in each district

Names of censors.

SECT. 2. *Be it further enacted,* That the following named persons be. and they hereby are appointed medical censors or examiners, and duly constituted a medical board, for the purpose of examining candidates for the practice of physic, surgery, or midwifery, in manner hereinafter specified in the several districts to which their names are attached, namely, in district No. 1, Joseph Canby, Richard Allison, and Daniel Drake; in district No. 2, Edward Tiffin, Alexander Campbell, and Joseph Scott; in district No. 3, Leonard Jewit, Eliphaz Perkins, and Samuel P. Hildreth; in district No.

4, John Hamm, John J. Brice, and Robert Mitchell; in district No. 5, George Wilson, John M'Dowell, and Thomas Campbell; and each of the said censors or examiners shall, before he enters on the duties assigned to him by this act, take an oath or affirmation, before some person legally authorised to administer oaths, faithfully and impartially to discharge his duty as a censor or examiner, agreeably to the true intent and meaning of this act, a record of which shall be made by the secretaries of the different boards.

Censors to take an oath.

Which shall be recorded.

SECT. 3. *Be it further enacted,* That when any person is desirous of exercising the profession of a physician or surgeon, within the limits of this state, as a means of obtaining a livelihood, he shall first obtain a licence for that purpose from some one of the medical boards abovementioned.

Persons must obtain a licence before he proceeds to practice.

SECT. 4. *Be it further enacted,* That in case of the death, resignation, or removal from office of any censor, notice thereof shall be given to the next succeeding legislature, by the secretary of the board, and the general assembly shall appoint a person to fill such vacancy.

Vacancies how filled.

SECT. 5. *Be it further enacted,* That no person shall receive a licence to practice in either of the above branches, who shall not produce a certificate to the satisfaction of the board, that he is a person of a good moral character, and has attended three full years to the theory and practice of medicine, under the guidance of some able physician or surgeon, or a licence from some medical society, shewing his having been admitted as a practitioner, and give satisfactory answers to such questions as may be put to him by the censors or examiners, in anatomy, surgery, materia medica, chymistry, and the theory and practice of physic.

Persons to produce a certificate and undergo an examination before a licence is granted.

Persons practising without licence, not to recover their fees by law.

SECT. 6. *Be it further enacted,* That if any person who shall not be, at the time this act shall take effect, a resident of this state and a regular practitioner of physic or surgery, shall presume to act in the capacity of a physician or surgeon, without licence as required by this act, except in cases of urgent necessity and when no regular physician can be obtained, the person so offending shall be deprived of the assistance of the laws of this state in the collection of any debts or fees which may arise in such practice.

Form of licence to be granted.

SECT. 7. *Be it further enacted,* That every licence granted for the purposes abovementioned, shall be either printed on smooth handsome paper, or written on parchment, in a fair round hand, in words and form as followeth:—

STATE OF OHIO,
Medical District No.

Know all men by these presents, that we, *Medical Censors* for district No. _____ have examined, agreeably to law _____ of _____ in the county of _____ and state of _____ and do find him duly qualified for the practice of medicine. We, therefore, by the authority in us vested, do licence him to practice physic and surgery within the bounds of this state. In testimony whereof, we have subscribed our names and affixed the seal of office. Done at _____ this _____ day of _____ in the year of our Lord one thousand, &c.

} *Censors.*

Medical boards to meet on the 1st Mondays of June and November.

SECT. 8. *Be it further enacted,* That the medical boards in the several districts shall meet on the first Monday in June and on the first Monday in November, in every year, for

the purpose of granting licences as aforesaid ; and a majority of them so met may proceed to discharge the duties enjoined on them by this act ; and for every licence so granted, they shall receive five dollars, for the purpose of defraying the expences of their office, and shall publish immediately after each meeting, in some public paper in this state, the name of every person so licenced.

§ five to be for each licence.

And to publish the name of the person in a newspaper.

SECT. 9. *Be it further enacted,* That each board of censors shall keep a seal, appoint a secretary from or from without their body, whose duty it shall be to record all their official proceedings, and grant certified copies thereof, under the seal of the board, on the application of any person requesting the same, the applicant paying therefor at the rate of twelve and an half cents for every hundred words, which copy shall be received in evidence in any court within this state.

Each board to keep a seal and appoint a secretary.

Secretary's duty.

His fees.

SECT. 10. *Be it further enacted,* That the medical censors for the first district shall hold their meetings at Cincinnati ; for the second district, at Chillicothe, in the county of Ross ; for the third district, at Athens, in the county of Athens ; for the fourth district, at Zanesville, in the county of Muskingum ; and for the fifth district, at Steubenville, in the county of Jefferson.

Where boards to meet.

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

Commencement.

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

January 14, 1811.

CHAPTER XII.

AN ACT to amend the act, entitled " an act for the navigation of Hocklocking."

No dam to be erected without a lock or slope therein.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That no person or persons shall be permitted to build a mill-dam on the river Hocklocking at any place from the Ohio to the mouth of Rush creek, or in any manner obstruct the navigation of the same, unless such person or persons erecting such mill-dam shall make a lock or slope, or both, if necessary, to the same, of such size and dimensions as the board of commissioners of that county in which such dam is wanted, shall deem sufficient for the safe passage of boats or other water craft either up or down the said stream, and keep the same in constant repair.

Notice to be given thirty days before application to commissioners for leave to erect a dam.

SECT. 2. *Be it further enacted,* That any person or persons wishing to erect a dam on the said river, shall make application to the commissioners to determine the size and dimensions of said slope and lock, shall advertise the same in three of the most public places of the vicinity where said dam is to be erected, at least thirty days previous to his, her, or their making application to the board of commissioners for the purpose of determining the size and dimensions of the lock and slope to be erected as aforesaid.

Dams now erected to be furnished with a lock, &c. in one year.

SECT. 3. *Be it further enacted,* That each and every person or persons who now have in use or may be erecting any mill and dam on the aforesaid stream, shall, within one year from the passage of this act, comply with the requisitions of the first section of this act.

Persons offending.

SECT. 4. *Be it further enacted,* That if any person or persons shall offend against the provisions contained in this act, every such person or

persons, so offending, shall forfeit and pay for every such offence, a sum not exceeding five hundred-dollars, and not less than is sufficient to make the lock or slope, or both, if adjudged necessary, or the necessary repairs, to be recovered by indictment, for the use of the county ; and moreover be liable to any person or persons for any injury they may sustain thereby, to be recovered in any court having cognizance of the same, at the suit of the party injured.

SECT. 5. *And be it further enacted,* That the second and fourth sections of the act to which this is an amendment, be, and the same are hereby repealed.

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

EDWARD TIFFIN,
Speaker of the house of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 16, 1811.

CHAPTER XIII.

AN ACT to amend the act entitled " an act making further appropriation of the three per cent. fund, granted by the United States for laying out, opening, and making roads in this state, passed the twentieth day of February, one thousand eight hundred and ten.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the sum of one hundred and fourteen dollars & fifty-eight cents, of the money appropriated by the above recited act, shall be applied on the road leading from Cadiz to Cambridge, beginning at the western

boundary line of Jefferson county, to be laid out under the direction of Robert Wilkins, the commissioner appointed for said road, by a resolution passed February twentieth, one thousand eight hundred and ten.

One other commissioner to be appointed on the road from Canton to Wayne county.

SECT. 2. *Be it further enacted*, That there shall be one commissioner appointed by joint resolution of both houses of the general assembly, to act jointly with John Shorb and Joseph H. Larwill, in laying out the money appropriated by the above recited act, to be laid out in opening and making a road from the town of Canton, Stark county, to the western boundary of Wayne county, in the direction to the seat of justice, in Richland county ; also, one commissioner to be appointed as above, for the purpose of laying out money appropriated by the above recited act, on the road from Morrystown to Barnesville, in the county of Belmont, and thence on the road leading towards Zanesville, to the seventh range line who shall give bond and security in like manner as is required of other commissioners appointed under the above recited act, and perform the same duties and receive the like compensation, any two of whom agreeing in opinion, the appropriation shall be made accordingly.

One commissioner to be appointed on the road from Morrystown to Barnesville, &c.

Who shall give bond, &c.

Two commissioners appointed to view the ground from Athens to Chillicothe.

SECT. 3. *Be it further enacted*, That Duncan M'Arthur and Willam Rufus Putnam be appointed commissioners to examine the ground between Athens, in the county of Athens, and Chillicothe, in the county of Ross, with power to survey and mark a road in the nearest and best direction, and make a report of their proceedings to the next general assembly, within ten days from the day of their meeting ; who shall receive such compensation for their services as the commissioners of the counties of Athens and Ross shall think reasonable, to be

Their compensation.

paid out of the county treasuries.

SECT. 4 *Be it further enacted*, That there shall be appropriated a sum not exceeding eight thousand dollars, for the payment of road commissioners, appointed on old and new roads, in conformity to the act to which this is an amendment, who shall produce the certificate of the county commissioners, of their respective counties, to the treasurer of state, for the sum to them respectively due, to be paid out of the three per cent. fund, and it shall be the duty of the county commissioners to whom any road commissioner shall have given bond, to certify the whole length of the road for which such road commissioner was appointed.

Eight thousand dollars appropriated for certain purposes.

SECT. 5. *And be it further enacted*, That all monies heretofore appropriated by any laws on the subject of the three per cent. fund, which shall not be expended according to the true intent of the same, previous to the next session of the general assembly, shall be subject to the future disposition of the legislature.

Monies not expended in a certain time, how disposed of.

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

Commencement.

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

January 16, 1811.

CHAPTER XIV.

AN ACT to alter the west line of Cuyahoga, the east line of Huron, and to establish a west line to Portage county.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio*, That the county of

Cuyahoga county.

Its boundary Cuyahoga shall extend from the south-west corner of number five, in the fourteenth range of the Connecticut western reserve, to the south-west corner of number five, in the sixteenth range; thence north by the west line of the sixteenth range, to the north-west corner of number five, in the sixteenth range; thence west to the middle of Black river; thence down the middle of said river to Lake Erie.

Huron county. **Its boundary** **SECT. 2.** *Be it further enacted,* That the east line of Huron county shall extend from the north-east corner of number four, in the twentieth range, to the south-west corner of number five, in the sixteenth range; thence north to the north-west corner of number six, in the sixteenth range; then west to the middle of Black river; then down the middle of Black river to Lake Erie.

Portage county. **Its boundary** **SECT. 3.** *And be it further enacted,* That the west line of the eleventh range of the Connecticut western reserve, shall be the west line of the county of Portage.

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 22, 1811.

CHAPTER XV.

AN ACT authorising the trustees of the town of West Union, to sell and convey certain public lots in said town, and for other purposes.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That David Bradford,
The trustees Joseph Darlington, Benjamin Wood, Joseph

Curry, John Wood, and their associates, trustees of the town of West Union, in the county of Adams, or a majority of them, be, and they are hereby authorised and directed to sell to the highest bidder, on a day to be by them appointed, the following lots, designated and known in the plan of said town by numbers seventy-seven, seventy-eight, and that part of number sixty-three which is included in the following boundaries, to wit : beginning at the north-east corner of said lot, running thence south four poles and one-fourth of a pole, thence west three poles, thence north four poles and one-fourth of a pole, thence east to the beginning : *Provided*, the said trustees shall give twenty days notice of such intended sale, by advertisement in five of the most public places in said county, and also in one of the newspapers published in Chillicothe.

authorised to sell certain lots.

Description of lots to be sold.

Proviso. Notice to be given, &c.

SECT. 2. *Be it further enacted*, That the trustees aforesaid shall give to the purchaser or purchasers of said lots a credit of not less than six nor more than twelve months : *Provided*, bonds be given, payable to the treasurer of said county, with such security as may be deemed sufficient by said trustees.

To allow purchasers a credit on their giving bond, &c.

SECT. 3. *Be it further enacted*, That the said trustees, on the day of sale or as soon thereafter as may be convenient, shall give to the purchaser or purchasers a certificate of the sale of said lots, with a pertinent designation thereof, and shall also make and execute to the said purchaser or purchasers, their heirs or assigns, such deeds of conveyance as they have heretofore made to purchasers of lots in said town, upon production of the certificate aforesaid, and the treasurers receipt for the purchase money.

Trustees to make deeds to purchasers on payment of purchase money.

SECT. 4. *Be it further enacted*, That the

How money to be appropriated. money arising from the disposition of the lots aforesaid, in manner aforesaid, shall be appropriated under the direction of the county commissioners to the erection of a court-house in the said town of West Union, and to no other purpose ; and the said commissioners shall allow to the trustees aforesaid such compensation, out of the county treasury, as may be thought reasonable, and make an allowance for any expences that may accrue in carrying into effect the provisions of this act.

Duty of county commissioners.

Trustees' compensation.

Commencement.

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

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

January 22, 1811.



CHAPTER XVI.

AN ACT investing the disposition and management of lands (therein mentioned) in a board of trustees, under the title of the Trustees of Granville Religious and Literary Society, and for other purposes.

Names of trustees.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That Elias Gilman, Timothy Rose, Silas Winchel, Daniel Baker, and Grove Case, be, and they hereby are created and made a body corporate in law, under the style and title of the "Trustees of the Granville Religious and Literary Society," with perpetual succession, as hereinafter provided and regulated : *Provided,* That this section

Proviso.

and all the provisions of this act shall be subject to such alterations as the legislature may from time to time think proper to make.

SECT. 2. *Be it further enacted*, That the management and disposition of lot number eleven, in the third range of lots, in the township of Granville and county of Licking, given for religious uses in said township, by the New-England Licking Land Company, so called; and also lot number fifteen, in the second range, given as above, for the support of a school in the town of Granville, in said county, be, and they hereby are vested in said trustees and their successors, who are hereby authorised to improve, manage, and dispose of the same, provided the express purpose and intent of the grant be answered.

Certain lands vested in the trustees.

SECT. 3. *Be it further enacted*, That the said trustees be, and they are hereby made capable to receive any other donations, and of holding any estate, real or personal, for either of said uses in said township or town; and they may contract or be contracted with, sue or be sued; and do or transact any and every business appertaining to their appointment, any three of whom shall constitute a board for doing business.

Trustees may receive donations, contract, sue, &c.

SECT. 4. *And be it further enacted*, That the said trustees, and each of their successors, shall give bonds to the clerk of said township of Granville and his successors in office, conditioned for the faithful discharge of their trust, and the trustees of said township are hereby empowered and commanded to fill all vacancies which may happen in said board of trustees; and said clerk is hereby commanded to record the same in the township record, and to give the person so appointed a certificate of his appointment, for which services he shall receive twenty-five cents from the person appointed, and no

Trustees to give bonds

And fill vacancies.

Clerk's duty.

And compensation.

more.

Commence-
ment.

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

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 22, 1811.

CHAPTER XVII.

AN ACT for the organization of the county of Coshockton.

Coshockton
county or-
ganized.

Proviso.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the county of Coshockton be, and the same is hereby organized into a separate county : *Provided,* That all actions and suits which are or may be pending or instituted in the county of Muskingum, before the first Monday of April next, shall be prosecuted and carried into final judgment and execution, and all taxes which shall be now due shall be collected as though this act had not passed.

When elec-
tions to be
held.

SECT. 2. *Be it further enacted,* That on the first Monday of April next, the legal voters residing in the said county of Coshockton, shall assemble in their respective townships, and elect their several county officers, who shall hold their offices until the next annual election.

Commence-
ment.

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

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 22, 1811.

CHAPTER XVIII.

AN ACT for regulating Measures.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the county commissioners of each county in this state, are hereby required and directed to cause to be made for each county, one half bushel measure, which shall contain one thousand, seventy-five and two tenths solid inches, which shall be kept in the county seat, and shall be called the standard.

Commissioners to provide a half bushel, which shall be the standard.

Where kept.

SECT. 2. *Be it further enacted,* That the commissioners of the respective counties shall appoint a person in each county seat to keep the standard measure, and shall procure a seal for the keepers of said standard measures, which keeper shall take an oath or affirmation for the faithful discharge of the trust reposed in him, and all persons desirous of trying their measures may resort to the aforesaid county standard for that purpose ; and the person appointed to keep the said standard, shall, if he find them true and exactly to correspond, seal them with his seal, and the person so appointed, shall be entitled to receive, for trying and sealing each half bushel as aforesaid, the sum of twenty-five cents.

Also, a person to keep the said standard,

Who shall take an oath.

His duty.

And compensation.

SECT. 3. *Be it further enacted,* That three months after the appointment of a person to keep the said county standard shall have been made known as aforesaid, every person who shall knowingly sell any commodity whatever, by a measure that shall be less than the said county standard, or shall keep any measure larger for the purpose of buying, shall for every such offence forfeit and pay a sum not exceeding five dollars, for the use of the township, to be

Persons offending against this act.

How punished.

recovered by action of debt, before any justice of the peace for the township in which the offence shall be committed.

Expence to be paid by county.

Commencement.

SECT. 4. *And be it further enacted,* That the expence accruing under the provisions of this act, shall be paid out of the respective county treasuries, on the order of the commissioners.

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

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 22, 1811.

CHAPTER XIX.

AN ACT securing the benefit of the writ of Habeas Corpus.

Who may not be allowed the benefit of the writ of Habeas Corpus.

Who may allow said writ.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That if any person, except persons convicted of some crime or offence, for which they stand committed, or persons committed for treason or felony, the punishment whereof is capital, plainly and specially expressed in the warrant of commitment, now is or shall be confined in any gaol of this state, or shall be unlawfully deprived of his or her liberty, and shall make application, either by him or herself, or any person on his or her behalf, to any one of the judges of the supreme court, or president or associate judges of the court of common pleas, and does at the same time produce to such judge a copy of the commitment, or cause of detention of such person or if the person so imprisoned or detained, is

imprisoned or detained without any legal authority, upon making the same appear to such judge, by oath or affirmation, it shall be his duty, forthwith to allow a writ of Habeas Corpus, which writ shall be issued forthwith by the clerk of the supreme court, or court of common pleas, as the case may require, under the seal of the court, whereof the person allowing such writ is a judge, directed to the proper officer, or person or persons who detains such prisoner.

Clerk to issue the same when allowed.

SECT. 2. *Be it further enacted,* That it shall be the duty of the officer or person to whom such writ shall be directed, to convey the person or persons, so imprisoned or detained, and named in such writ, before the judge allowing the same, or in case of his absence or disability, before some other judge of the same court, on the day specified in said writ, and shall make due return of the said writ, together with the day and cause of the caption and detention of such person, according to the command thereof.

Duty of officer to whom the writ is directed.

SECT. 3. *Be it further enacted,* That when the said judge shall have examined into the cause of caption and detention of the person so brought before him, and shall be satisfied that the person is unlawfully imprisoned or detained, he shall forthwith discharge such prisoner from said confinement; and in case the person or persons applying for said writ, shall be confined or detained in a legal manner, on a charge of having committed any crime or offence, the said judge shall, at his discretion, commit, discharge or let to bail, such person or persons; and if the said judge shall deem the offence bailable, on the principles of law, he shall cause the person, charged as aforesaid, to enter into recognizance, with one or more sufficient securities, in such sum as the judge shall think reasonable, the circumstances of the pri-

Duty of a judge on Habeas Corpus to discharge prisoner or commit at his discretion.

soner and the nature of the offence charged considered, conditioned for his appearance at the next court, where the offence is properly cognizable ; & said judge shall certify his proceedings, together with the recognizance, forthwith to the proper court, and if the person or persons charged as aforesaid, shall fail to enter into such recognizance, he or they shall be committed to prison by such judge.

Person refusing to obey said writ, how punished.

SECT. 4. *Be it further enacted*, That if any person to whom such writ of Habeas Corpus shall be directed as aforesaid, shall neglect or refuse to obey, or make return of the same, according to the command thereof, or shall make a false return of said writ, or upon demand made by the prisoner, or any person on his or her behalf, shall refuse to deliver to the person demanding, within six hours after the demand thereof, a true copy of the warrant or commitment, and detainer of such prisoner, every person so offending, shall, for the first offence, forfeit to the party aggrieved, the sum of two hundred dollars ; and for the second offence, four hundred dollars, and shall, if an officer, be incapable to hold his said office.

Clerk refusing to issue said writ, how punished.

SECT. 5. *Be it further enacted*, That if any clerk of the supreme court, or court of common pleas, shall refuse to issue such writ, after allowance and demand made as aforesaid, he shall forfeit to the party aggrieved the sum of five hundred dollars.

Person set at large on Habeas Corpus, not to be imprisoned for the same offence, &c.

SECT. 6. *Be it further enacted*, That any person who shall be set at large upon any Habeas Corpus, shall not be again imprisoned for the same offence, unless by the legal order or process of the court, wherein he or she shall be bound, by recognizance, to appear, or other court having jurisdiction of the cause or offence ; and if any person shall knowingly, con-

trary to this act, re-commit or imprison, or cause to be re-committed or imprisoned for the same offence, or pretended offence, any person so set at large, or shall, knowingly, aid or assist therein, he shall forfeit to the party aggrieved five hundred dollars, any colourable pretence or variation in the warrant or commitment notwithstanding.

SECT. 7. *Be it further enacted,* That if any person of this state shall be committed to prison, or in custody of any officer, for any criminal matter, such prisoner shall not be removed therefrom into the custody of any other officer, unless by legal process, or where the prisoner shall be delivered to some inferior officer to carry to gaol, or shall by order of the proper court be removed from one place to another, within the state, for trial, or in case of fire, infection or other necessity; and if any person after such commitment, shall make out, or sign or countersign any warrant for such removal, contrary to this act, he or she shall for every such offence forfeit to the party aggrieved, five hundred dollars.

Persons in custody not to be removed to any other place except in certain cases.

SECT. 8. *Be it further enacted,* That where any person shall appear to be committed by any judge or justice, and charged as accessory before the fact, to any felony, the punishment whereof is capital, which felony shall be plainly and specially charged in the warrant of commitment, such person shall not be removed or bailed, by virtue of this act or in any other manner, than if this act had not passed.

Accessories how dealt with.

SECT. 9. *Be it further enacted,* That no citizen of this state, being an inhabitant or resident within the same, shall be sent prisoner to any place whatsoever, out of this state, for any crime or offence committed within this state, and every such imprisonment is hereby declared to be illegal; and if any such citizen shall be

No person may be sent out of this state for any offence committed there.

Persons acting contrary to this section, how punished.

so imprisoned, he may, for every such imprisonment, maintain an action of false imprisonment, in any court having cognizance thereof, against the person or persons, by whom he shall be so imprisoned or transported, contrary to the intention of this act, and against any person who shall contrive, write, seal, sign or countersign any writing for such imprisonment or transportation, or shall be aiding or assisting in the same, or any of them; and shall recover treble costs, besides damages, which damages so to be given, shall not be less than five hundred dollars; and every person knowingly concerned in any manner as aforesaid, in such illegal imprisonment or transportation, contrary to this act, and being thereof lawfully convicted, shall be disabled from thenceforth to bear any office of trust or profit within this state: *Provided*, That if any citizen of this state, or person or persons, at any time resident in the same, shall have committed or be charged with having committed any treason, felony, or misdemeanor in any other of the United States or territories, where he or she ought to be tried for such offence, he, she, or they may be sent to the state or territory having jurisdiction of the offence.

Provide.

Penalties recoverable by this act to accrue to the party injured.

SECT. 10. *Be it further enacted*, That the penalties in this act made recoverable, shall be recovered by the party aggrieved, his or her executors or administrators, against the offender, his or her executors and administrators, by action of debt, in any court having cognizance of the same: *Provided*, That no person shall be sued or molested for any offence against this act, unless within two years after the time when such offence shall have been committed; but if the party aggrieved shall then be in prison, then within two years after the decease of the person imprisoned, or his or her delivery out of

Provide.

prison; and in every such action it shall be lawful for the defendant to plead the general issue and give the special matter in evidence.

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

EDWARD TIFFIN,
Speaker of the House of Representatives.

THOS. KIRKER,
Speaker of the Senate.

January 22, 1811.

CHAPTER XX.

*AN ACT for the establishment of an academy
at Steubenville.*

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That Lyman Potter, James Snodgrass, John Rea, Bazaleel Wells, John M'Dowell, Benjamin Tappan, David Hoge, Obadiah Jennings, Thomas M'Kean Thompson, James Larrimore, John C. Bayless, Thomas Henderson, Thomas Scott, Samuel Hunter, and Jesse Edginton, of Jefferson county, be, and they are hereby declared to be a body politic and corporate in law, by the name of the President and Trustees of Steubenville Academy, and as such remain and have perpetual succession—subject, however, to such alterations as a future legislature may think proper to make. Names of
trustees.

SECT. 2. *Be it further enacted,* That the corporation by the name and style aforesaid, shall hereafter be capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all manner of suits, actions, pleas, complaints, causes, matters, and demands of whatsoever kind or nature they Style.
May sue
and be sued.

may be, in as full and effectual a manner as any person or persons, bodies politic or corporate may or can do.

Authorized to hold and convey property, &c.

SECT. 3. *Be it further enacted,* That the trustees of said corporation shall have power to acquire, hold, and possess any property, either real or personal, which is or hereafter may be given, granted, sold, bequeathed or devised, for the benefit of said academy, by any person or persons, bodies corporate or politic, capable of making such gift, grant, sale or bequest, and shall also have power to appropriate and apply all such funds that shall belong to said corporation to the purposes of erecting and keeping in repair a house for an academy aforesaid, and to the procuring books and apparatus, and the support of those who may be employed in teaching in said academy : *Provided,* when any property has been or hereafter may be given to said academy for a particular purpose, the trustees aforesaid shall only dispose of such property for the purposes pointed out by the donor : *Provided also,* That the clear annual increase of all such property shall not exceed the sum of five thousand dollars.

Proviso.

Eight trustees to form a quorum to make bye-laws, &c.

SECT. 4. *Be it further enacted,* That the said trustees or any eight of them shall have power to make such rules, bye-laws and regulations for the government of the institution, and carry the same into effect, as shall from time to time be deemed necessary, not inconsistent with the laws and constitution of the United States or of this state ; and the corporation is authorized to have one common seal, and the same to alter or renew at their pleasure.

Officers to be elected on the 1st Monday of June, annually,

SECT. 5. *Be it further enacted,* That there shall be elected, annually, by the corporation, on the first Monday of June, twelve trustees, a treasurer, a clerk, and a collector, together

with such other officers as the said corporation shall 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 aforesaid officers should not be made on the day appointed for the annual election, in the vacancy of any office, by death, removal or otherwise, the corporation may elect their officers or supply such vacancy at any meeting of the corporation, duly assembled.

SECT. 6. *Be it further enacted*, That all elections of the corporation shall be by ballot, and the person having the majority of votes for any office shall be considered duly elected, and every member shall have equal suffrage; and any person paying five dollars for the benefit of the institution, shall be entitled to a certificate for a share, which shall entitle the person, his, her or their heirs or assigns to all the privileges and immunities of a member of the corporation.

SECT. 7. *Be it further enacted*, That all the meetings of the corporation, either for the election of officers or for any other purpose 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, in at least three of the most public places within the town of Steubenville, for at least ten days previous to such meeting.

SECT. 8. *Be it further enacted*, That the trustees or any eight of them shall have power and authority to make all contracts in behalf of said corporation; and if any officer of the 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

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liable to the corporation for all such damages so sustained, to be recovered by action of debt.

Treasurer to give bond. **SECT. 9.** *Be it further enacted,* That the treasurer shall give bond with sufficient security to the trustees and their successors in office, in such sum as the trustees shall deem sufficient, conditioned for the faithful receiving and paying over all monies which may be put into his hands for the benefit of said corporation, all process against the corporation shall be by summons, and service of the same shall be by leaving an attested copy thereof with the treasurer of the corporation.

Condition thereof.

Process, how served.

Who may receive subscriptions until first election. **SECT. 10.** *And be it further enacted,* That Bazalcei Wells, Samuel Hunter, and Thomas Henderson, or either of them, be, and they are hereby authorised to receive subscriptions, agreeably to the sixth section of this act, prior to the first election and all other elections thereafter shall be at such place within the town of Steubenville as the trustees shall direct.

Elections where to be held.

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

EDWARD TIFFIN,
Speaker of the House of Representatives.
 THOS. KIRKER,
Speaker of the Senate.

January 22, 1811.

CHAPTER XXI.

AN ACT for the organization of the county of Ashtabula.

County organized. **SECT. 1.** *Be it enacted by the general assembly of the state of Ohio,* That the county of Ashtabula be, and the same is hereby organ-

ized into a separate county.

SECT. 2. *Be it further enacted,* That all suits and actions, whether of a civil or criminal nature, which shall be pending, and all crimes which shall have been committed, shall be prosecuted to final judgment and execution, in the county of Geauga, as though the county of Ashtabula had not been organized. Suits how conducted.

SECT. 3. *Be it further enacted,* That the townships numbered eight, in Trumbull county, shall be attached to and become a part of the county of Ashtabula: *Provided,* That all suits and actions, whether of a civil or criminal nature, which shall be pending, and all crimes which shall have been committed in the aforesaid townships numbered eight, previous to the taking effect of this act shall be prosecuted to final judgment and execution, in the county of Trumbull. Townships No. 8 attached to Ashtabula county.

SECT. 4. *And be it further enacted,* That on the first Monday of May next, the legal voters residing in the county of Ashtabula, shall assemble in their respective townships, at the usual place of holding elections in said townships, and elect their several county officers, who shall hold their offices until the next annual election. Elections when held.

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

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 22, 1811.

CHAPTER XXII.

AN ACT to amend the act entitled an act to authorise the town council of Marietta to grant permanent leases of section No. sixteen, in said town.

Trustees re-
quired to sue
for certain
rents arising
from section
No. 16.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the trustees elected by the inhabitants of the second township of the eighth range, agreeably to the provisions of the act entitled an act to incorporate the original surveyed townships, shall be, and they are hereby authorised and required to sue for and recover the rents arising from section number sixteen, in said second township, in the same manner as the town council of Marietta might have done under the provisions of the act to which this act is an amendment, and their proceedings in the premises shall be regulated by the third section of said act.

Treasurer to
pay over cer-
tain money
on the order
of trustees.

And settle
his accounts
in December
annually.

His compen-
sation.

SECT. 2. *Be it further enacted,* That it shall be and it is hereby made the duty of the treasurer of the town of Marietta to pay over all money that he may from time to time receive, under the provisions of the above recited act, for rent of said section number sixteen, upon the order of the aforesaid trustees, and shall adjust and settle his accounts, relative to said rent, in the month of December, annually, and the said trustees shall allow the said treasurer, in settlement, four per cent. on all money by him received and paid over.

Repeals
parts of for-
mer act.

SECT. 3. *And be it further enacted,* That such parts of the act to which this is an amendment, as come within the purview of this act, be, and the same are hereby repealed.

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

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 22, 1811.

CHAPTER XXIII.

*AN ACT supplementary to the act respecting
crimes and punishments.*

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That if any two persons shall agree and wilfully fight or box at fisticuffs, the persons so offending, shall be deemed guilty of an affray, and upon conviction thereof, shall be fined, each, in a sum not exceeding twenty-five dollars, at the discretion of the court. Boxing, how punished.

SECT. 2. *Be it further enacted,* That in all criminal prosecutions for larceny, the owner of the property stolen, shall be a competent witness, but his or her credibility shall be left to the jury. What testimony shall be admitted.

SECT. 3. *Be it further enacted,* That if any person, in the day or night time, not a prisoner in a public jail, shall break open the same, so that any prisoner or prisoners shall make his, her, or their escape, or attempt to break said jail, or shall aid and assist in such breaking or attempt to break, the person so offending shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars, and imprisoned, not exceeding one month, at the discretion of the court. Jail-breakers. How punished.

Wounding
with intent
to murder.

SECT. 4. *Be it further enacted,* That if any person, with an intention of committing murder, shall wound any person, he or she, so offending, upon conviction thereof, shall be whipt, not exceeding fifty stripes, on his or her naked back, be fined not exceeding five hundred dollars, and be imprisoned not exceeding one year, at the discretion of the court.

How punish-
ed.

Adultery.

SECT. 5. *Be it further enacted,* That if any man shall live and cohabit with a woman in a state of adultery, he shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars, and be imprisoned not exceeding three months, at the discretion of the court.

How punish-
ed.

Fornication.

SECT. 6. *Be it further enacted,* That if any unmarried persons shall live and cohabit together, as man and wife, on conviction thereof, shall be fined in a sum not exceeding one hundred dollars, and imprisoned two months, at the discretion of the court

How punish-
ed.

Cutting fruit
trees.

SECT. 7. *Be it further enacted,* That if any person shall wilfully, unlawfully, and maliciously cut down or destroy any apple, peach, quince, pear or cherry tree, planted and growing upon the lands of another person, the person so offending shall, on conviction thereof, be whipt, not exceeding fifty stripes, on the naked back, and also be fined not exceeding the sum of five hundred dollars, and imprisoned not exceeding one month, at the discretion of the court.

How punish-
ed.

Persons im-
prisoned for
fine and cost
and unable
to pay, may
be released
by county
commission-
ers.

SECT. 8. *Be it further enacted,* That whenever any person shall be confined in jail for the payment of any fine and costs that may be inflicted agreeably to the provisions of this act or the act to which this act is a supplement, the county commissioners may, if it is made to appear to their satisfaction, that the person thus confined cannot pay such fine and costs, order the sheriff

or jailor of such county to discharge such person from imprisonment, and the sheriff or jailor on receiving such order, shall discharge such person accordingly : *Provided*, That the commissioners may at any time thereafter order and cause to be issued an execution against the body, lands, goods, or chattels, of the person so discharged from imprisonment, for the amount of such fine and costs.

SECT. 9. *And be it further enacted*, That all fines inflicted or penalties imposed, by virtue of the provisions of this act, shall be collected and appropriated in the manner pointed out by the act to which this act is a supplement.

Fines how to be appropriated.

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

Commencement.

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

January 22, 1811.

CHAPTER XXIV.

AN ACT to amend the act defining the duties of the auditor and treasurer of state.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio*, That there shall be procured at the expence of the state, a seal, for the auditor's office, with the device of "The Auditor of State of Ohio," to be by him used officially, which shall be called the seal of the auditor for the state of Ohio; and all official copies taken from the records in his office, or other documents issuing therefrom, shall be under seal, certified and signed by the auditor,

procured for the auditor's office.

in which case all copies or other documents shall be received as legal evidence in any court of record or elsewhere within this state.

Commencement.

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

EDWARD TIFFIN,

Speaker of the house of Representatives.

THOS. KIRKER,

Speaker of the Senate.

January 24, 1811.

CHAPTER XXV.

AN ACT to incorporate the Farmers' Manufacturing Company, of the Little Miami.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,*

Names of the persons incorporated

That Moses Broadwell, Thomas Rue, Thomas Robinson, Abraham C. Rall, and Cornelius Snyder, and their associates, be, together with such others as shall be by them hereafter admitted, created and made a body politic and corporate in law, and shall hereafter be known by the name and title of "The Farmers Manufacturing Company of Little Miami," and shall so continue for and during the term of thirty years; and shall be capable in their corporate capacity of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, to answer and be answered, defend and be defended in any court in this state or elsewhere, shall have a common seal, which they may break and alter at pleasure, and shall have power to ordain, establish, and put in execution, such bye-laws, ordinances, and regulations, as they shall deem proper for the good government of

Style or title.

Authority to contract, sue, &c.

And have one common seal.

And make bye-laws.

the corporation: *Provided*, said bye-laws, ordinances, and regulations are not incompatible to the laws of this state or of the United States, and that this act and all of its provisions shall be subject to such alterations and regulations as the legislature of this state may from time to time think proper to make.

SECT. 2. *Be it further enacted*, That the shares of the company's stock shall be fixed at one hundred dollars each, and the whole number shall not exceed sixty-five, to be taken and filled up as the corporation may from time to time direct; and the management of the stock and funds of the corporation shall be invested in five trustees, any three of whom shall constitute a quorum for doing business, who shall be stockholders, and shall be chosen on the first Tuesday of November, annually, by the stockholders, and shall be qualified agreeably to and governed by the rules and regulations of the company.

Shares at \$100 each.
Number of shares.

Five trustees to manage the funds, &c.
When elected.

SECT. 3. *Be it further enacted*, That a secretary shall be appointed by the trustees, removable at pleasure, who shall swear or affirm faithfully to discharge the duties of said office, and whose duty it shall be to make fair and regular entries of all accounts of the company, in a book or books to be kept at the company's office for that purpose, and of all proceedings of the corporation, which book or books shall be kept open at all seasonable times for the inspection of the members.

A secretary to be appointed, and take an oath.
His duty.

SECT. 4. *Be it further enacted*, That all process against the corporation shall be served by leaving an attested copy of the writ with one or more of the trustees, and all suits by the corporation shall be brought in the corporate name of the trustees of the corporation.

Process, what and how served.

SECT. 5. *And be it further enacted*, That Moses Broadwell, Thomas Rue, Thomas Rob-

Five trustees named.

inson, Abraham C. Rall, and Cornelius Snyder, be, and they hereby are appointed trustees, until the first annual meeting of said corporation, and until their successors are chosen and qualified.

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

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 24, 1811.

CHAPTER XXVI.

AN ACT authorising John Lawrence Lewis, and others, to build a toll-bridge across the river Hockhocking.

Names of the company. **Where the bridge to be built.** **Rates of toll.** **SECT. 1.** *Be it enacted by the general assembly of the state of Ohio, That John Lawrence Lewis, Eliphaz Perkins, Philip Mortimer Sarr, Moses Huit, and Leonard Jewitt, and their associates, are hereby authorised to build a bridge across the Great Hockhocking, in the county of Athens, at the place where the road leading from Athens to Chillicothe now crosses or may hereafter cross the same, and they and their associates, if any there be, their heirs, executors, administrators and assigns, or legal representatives, are hereby authorised to ask, demand, and receive from passengers who may cross said bridge, the following rates of toll, viz.—For each footman, four cents; for every horse, mule or ass, one year old or upwards, four cents; for every horse and rider, six and one-fourth cents; for each waggon, cart or other*

wheeled carriage, drawn by a horse, horses or oxen, including the driver, eighteen and three-fourth cents; for each sled or sleigh, including driver and horse, horses, or oxen drawing the same, twelve and one half cents; for each head of neat cattle, one year old or upwards, two cents: *Provided always*, That all public mails, expresses and passengers, which are exempted from the payment of ferriages within this state, or which hereinafter may be exempted, shall pass and repass on the said bridge free from the payment of the toll aforesaid, and the troops of the United States or of this state, with their artillery, baggage and stores, shall at all times pass free of toll.

SECT. 2. *Be it further enacted*, That the said John Lawrence Lewis, Eliphaz Perkins, Philip Mortimer Starr, Moses Hewitt, and Leonard Jewitt, and their successors, shall set up and keep on the margin of the river, near said bridge, a post or board, on which shall be written the rates of toll allowed by the first section of this act; and if they or their representatives shall demand & receive higher toll than is allowed by this act, they shall be subject to the like fines and forfeitures as are or may be provided in case of ferries: *Provided*, That the navigation of the said river shall not be obstructed to boats and other water craft any further than the necessary piers and abutments may necessarily do.

Proviso.

Rates of toll to be kept up on the margin of the river.

How punished for taking greater toll than allowed.

Proviso. Navigation not to be obstructed.

SECT. 3. *Be it further enacted*, That if the said Lewis, Perkins. Starr, Hewitt & Jewitt, or their associates or legal representatives or any of them, shall build and complete a good bridge, with hand-rails on the sides, at the place aforesaid, sufficient for the passage of waggons, within three years after the passing of this act, and continue to keep the said bridge in good

Bridge to be completed in 3 years, and continue 40 years.

repair, then this act shall be in force forty years : *Provided*, That nothing herein contained shall be so construed as to prevent the fording the said river at any place near the said bridge ; and any person obstructing the passage of the same shall be liable to the same penalties as persons obstructing roads within this state.

Proviso.

Fording not to be obstructed.

Company to keep an account of expence of building said bridge,

And exhibit it to county commissioners.

Their duty.

Inhabitants of Athens may purchase said bridge.

SECT. 4. *Be it further enacted*, That the company aforesaid, their associates or legal representatives shall keep a fair and accurate account of all the expences that accrue in the erection and completion of said toll bridge, and exhibit the same to the county commissioners of Athens county, for the time being, within six months after the said bridge is completed, who shall examine and audit the same, and cause the same to be recorded by their clerk ; and if at any time thereafter the inhabitants of Athens county, or either of them, shall pay to the company associated by the first section of this act, or their associates or legal representatives, the amount so expended, with six per cent. per annum, then the said toll bridge shall become public property.

Each member entitled to toll in proportion to money paid.

Members refusing to pay how dealt with.

SECT. 5. *And be it further enacted*, That the above company and their associates and legal representatives, shall each be entitled to receive a dividend of the toll, in proportion to the sum expended by him in the erection of said bridge ; and if any one of the company or associates shall refuse or neglect to pay his equal proportion of the expence, whenever it may be thought expedient to proceed in the erection of said bridge, he shall be considered to have forfeited all privileges granted by the provisions of this act ; and that any one or more of the company or associates shall have the liberty of proceeding in the erection of said bridge at any time he or they may think proper : *Provided*,

Proviso.

he gives twenty days notice to each associate or representative by advertising the same in some newspaper printed in the state, and of general circulation in the county of Athens.

Notice to be given.

This act to be in force from and after its passage.

Commencement.

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 24, 1811.

CHAPTER XXVII.

AN ACT to incorporate the town of Athens, and for other purposes.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That so much of the township of Athens, in the county of Athens, as is contained in the plat of the town of Athens as recorded in the recorder's office in the county of Washington, shall be, and the same is hereby erected into a town corporate, to be known and distinguished by the name of the town of Athens.

Town of Athens as recorded incorporated.

SECT. 2. *Be it further enacted,* That for the better regulating, ordering and governing the said town of Athens, there shall be annually elected by the freeholders thereof five trustees, a treasurer, an assessor, a collector, a supervisor and a town marshal, who shall severally, before entering on the duties of their respective offices, take an oath to support the constitution of the United States and of this state, and an oath of office. The inhabitants of said town of Athens shall meet on the first Monday of March next, at the court-house in said town of Athens,

Five trustees treasurer, assessor, &c. elected annually.

Who shall take an oath.

When first election to be held.

Who to conduct first election. and elect by ballot the officers aforesaid, under the direction of a justice of the peace of said town, whose duty it shall be to receive and count the votes, and declare who are the persons elected, and ever after the president and two trustees shall preside. The trustees thus chosen shall,

President, recorder, treasurer, &c. to be elected by trustees. within two days thereafter, at the court-house aforesaid, elect by ballot among themselves a president, recorder and treasurer, which president, recorder, and trustees shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of the

Style of the corporation. president, recorder, and trustees of the town of Athens, and forever thereafter the election shall be on the first Monday of March, at such place in said town as the trustees may appoint.

Trustees may hold and convey property. *SECT. 3. Be it further enacted,* That the said president, recorder and trustees, and their successors in office, shall be capable and able to receive, acquire, hold and convey any estate;

Also, may sue and be sued. real or personal, for the use of the town of Athens, 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 whatsoever; and they are hereby au-

And have a seal. thorised to have one common seal, and the same to alter, break and renew at pleasure.

President, &c. to be called the select council, &c. *SECT. 4. Be it further enacted,* That the said president, recorder and trustees, when convened for business, shall be called the select council of the town of Athens; and they or any three of them, whereof the president or recorder shall always be one, shall have full power

May meet and make bye-laws, &c. and authority from time to time and at any time to hold a select council in the said town, 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 may seem proper and necessary, they shall have power to ad-

minister all necessary oaths, to regulate mar- And admin-
 kets, and, if necessary, to appoint a clerk of ister oaths.
 the market, to impose reasonable fines upon all Also, ap-
 persons who shall offend against the laws and ppoint a clerk
 ordinances made as aforesaid, to levy and cause of the mar-
 to be collected all such fines by warrant, under ket, &c.
 the hand of the president, or in his absence, Fines to be
 the recorder, and seal of said council, directed collected, &
 to the marshal, who is hereby directed to how.
 collect the same by distress and sale of the goods
 and chattels of the delinquent, and the same to
 pay to the treasurer of the select council, and
 where goods and chattels cannot be found, to
 commit the body of the offender to prison, there
 to remain until such fine be paid, or the offender
 be discharged by the order of the select council
 or by due course of law : *Provided*, no person
 shall be imprisoned under the authority of this
 section for a longer time than six hours for any
 one offence : *Provided always*, That all laws and
 ordinances made by the authority aforesaid shall
 be consistent with the constitution and laws of
 the United States and of this state.

SECT. 5. *Be it further enacted*, That the
 trustees aforesaid shall have full power and
 authority, whenever and so often as they may
 deem it necessary, to assess a tax on the inha- Power to
 bitants of said township, not to exceed two per levy and
 cent. on such articles as are subject to taxation collect taxes.
 for county purposes, to be collected by the col-
 lector, and disposed of in such manner as the
 select council may direct, for the use of the cor-
 poration.

SECT. 6. *Be it further enacted*, That all
 monies arising from fines and collections shall
 be paid to the treasurer, who shall enter into
 bond, with sufficient security, to the recorder,
 for the faithful discharge of the duties enjoined
 on him, and for the paying over all monies by
 Fines, how
 disposed of.
 Treasurer
 to give bond

Duty of assessor. him collected to the treasurer of the corporation aforesaid. The assessor shall return his estimate of town property, when by a bye-law he may be directed to do so, to the recorder, who shall, with the advice of the president or two of the trustees, publish a day of appeal, to be held by the council for a day of appeal; the collector shall pay all monies he may collect to the treasurer, whose receipts shall be his vouchers upon settlement with the council, which shall be at the expiration of every three months from the time of his appointment.

Day of appeal, notice of.

Duty of collector.

SECT. 7. *Be it further enacted,* That the Council to fill vacancies. select council shall have the power of filling all vacancies that may happen from any cause whatever between the annual election, and the appointment so made shall continue valid until the next annual election: *Provided,* That all officers herein enumerated shall hold their offices until their successors are chosen and qualified, and in no case shall this act be forfeited for any misuser or non-user whatsoever: *Provided also,* That all officers, chosen or appointed as aforesaid, and shall refuse to serve, they shall pay a fine of not less than two nor more than five dollars.

Proviso.

Persons selected and refusing to serve, to be fined.

SECT. 8. *Be it further enacted,* That if any person shall feel himself or herself aggrieved by the council, or any individual officer of said corporation, it shall be lawful for him or her to appeal to the court of common pleas, by giving appearance bail; and it shall be the duty of said court to hear such complaint, and see that right and justice be done.

Persons aggrieved may appeal to court.

SECT. 9. *Be it further enacted,* That any person desirous of appealing, shall enter into bond, with one sufficient security, to the treasurer of the corporation, which shall be filed with the recorder, who shall thereupon send a

Persons appealing to give bond.

transcript of the proceedings in the cause, certified under the seal of the said corporation, to the clerk of the court of common pleas in said county, on or before the first day of the next succeeding term thereof. Recorder to send up transcript.

SECT. 10. *Be it further enacted,* That the said corporation shall be allowed the use of the county jail, and all persons imprisoned shall be under the charge and direction of the sheriff of said county of Athens. Corporation allowed the use of county jail.

SECT. 11. *And be it further enacted,* That the trustees of the Ohio University are hereby authorised and directed to lease to the commissioners of the county of Athens, for the time being, in lots number thirty five and thirty-seven, on which the court-house and jail now stand, and also in lot number eighteen, reserved for the purpose of building a school house and meeting house, on a nominal rent for ninety-nine years, renewable forever ; also, to lease on the terms aforesaid, the ground reserved for a burying ground. Trustees of Ohio University to lease certain lots for certain purposes.

This act shall take effect from the passage thereof. Commencement.

EDWARD TIFFIN,
Speaker of the house of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 28, 1811.

CHAPTER XXVIII.

AN ACT to incorporate the Gallia academy, in Gallipolis.

WHEREAS a number of the citizens of the town of Gallipolis, in the county of Gallia and its neighborhood, did, on the eighth day of Preamble.

C.

February, in the year one thousand eight hundred and ten, associate together, and subscribe in shares of ten dollars each, to a large amount, for the laudable purpose of building an academy in the said town of Gallipolis; and having prayed to be incorporated, the better to enable them to compleat the object of their undertaking, and more extensively to diffuse the benefits of the intended seminary—Therefore,

Names of
persons forming said
association.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the said association, consisting of Claud R. Menager, Henry Duc, Jos. W. D. Vacht, Edward W. Tupper, Thomas Rodgers, John Miller, Luther Shepard, Calvin Shepard, Elnathan Barlow, Gustavus Keys, Francis Leclercq, William Harvey, Phineas Mathews, Adam Long, Lewis V. Vonschrittz, Lewis Newsom, Stephen Monnot, Peter Ferrard, John B. Le Tailleur, John Cantrell, Charles Clendinen, Francis Larguilhon, John Entsminger, Andrew Johnson, John P. R. Bureau, Levi Mercer, James Wilson, Andrew Lewis, Spencer E. Gibson, William Clendinen, Benjamin Burrage, John Bing, Tobias Ruffner, David Ridgeway, Thomas Northup, Christopher Etienne, Edward Farler, Edward M'Mullen, Samuel Logue, Joseph Fletcher, Orash Strong, David Reese, Samuel Blagg, Robert Safford, David Irwin, Rene Carel, Lewis Leclere, William Sterrett, Peregrine Foster, Allen Pryor, Nathaniel Gates, Robert Herriford, Charles Drinnen, James Callisson, John B. Ferard, Joseph M'Mullen, Toussaint Shouman, John Atchison, Lewis Summers, and Henry Cushing, and such others as may become stockholders in said corporation, their successors and assigns, shall be, and are hereby created and made a corporation and body politic, both in law and in fact, by the name and style

of "The Gallia Academy," and as such to remain and have perpetual succession; and, by the name and style aforesaid, they shall be and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy, and retain, for the use of said institution, any lands, rents, tenements, hereditaments, goods, chattels and effects; and the same to sell, grant, demise, alien, and dispose of, for the promotion of the interests of the institution; to sue and be sued, defend & be defended, implead and be impleaded, answer and be answered, in courts of record or any other place whatsoever; and make, have and use a common seal, and the same to break, alter & renew at their pleasure; subject, however, to such alterations and restrictions as any future legislature may think proper to make.

Name and style.

May hold and enjoy property, and sell and convey the same.

To have & use a seal.

SECT. 2. *Be it further enacted,* That for the well ordering and conducting the affairs of the said corporation, there shall annually be elected from among the stockholders, seven trustees, who shall hold their offices for one year, and until successors shall be elected and qualified; five of which said trustees shall reside within five miles of the town of Gallipolis, four of whom shall be a quorum; which said board of trustees shall have power to appoint a president, and in his absence a president pro tempore; to appoint a treasurer, secretary, collector, professors, teachers, ushers, visitors, and all other officers and servants necessary for the conducting the affairs of the corporation; to cause all necessary buildings to be erected, and all necessary furniture and apparatus to be procured; to regulate the salary of the respective officers; to confer academical honors, and regulate the admission and government of students; to make, ordain, establish, and put in execution, such bye-laws, ordinances and regulations, as

Seven trustees to be elected annually.

Trustees to appoint a president, secretary, treasurer, &c.

To erect buildings and furnish apparatus.

Also, to make bye-laws, &c.

shall seem necessary and convenient for the government of said corporation—not being contrary to the laws of this state or of the United States; to increase the funds of said corporation, by admitting new stockholders and selling out new stock: *Provided*, That the annual income shall never exceed five thousand dollars; and generally to do and execute all matters and things touching the premises, which a corporation or body politic in law may or can lawfully do and execute; and in case of the death, resignation, or removal of any trustee beyond the distance heretofore limited, his place shall be supplied by a new choice for the remainder of the year, by a majority of the trustees.

And increase funds.

Proviso.

SECT. 3. *Be it further enacted*, That the election of trustees shall be held by the stockholders, under the superintendance of the trustees, on the first Monday of May, in each and every year, and the same shall be by ballot; and in case that it shall at any time happen that an election of trustees shall not be made upon any day, when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful on any other day, within sixty days thereafter, to hold and make an election of trustees, in such manner as shall have been regulated by the bye-laws and ordinances of said corporation; and at all elections or

Trustees to be elected on 1st Monday of May, annually.

Stockholders may vote by proxy.

One vote for each share up to ten, &c.

votings of the stockholders, each stockholder may vote by himself or by proxy, and shall be entitled to one vote for each share up to ten shares, and one vote for each two shares over that number, and under fifteen; and one vote for every five shares over fifteen; and in all cases of an equality of votes for trustees, the superintendants of the election shall decide.

SECT. 4. *Be it further enacted,* That all contracts entered into by the present trustees shall be valid and binding in law, on both the corporation and those with whom the said contracts may have been made, and the same shall be declared upon, enforced, and recovered in the name of the said corporation, in the same manner as if the said contracts had been entered into by the board of trustees, by this act created; and all sums subscribed for the erection and completion of the said academy; and all notes or bonds to the said corporation issued, shall be enforced and recovered in the name of the said corporation before any judge or justice of the peace or court of record, having jurisdiction of the case, according to the terms of such subscriptions, and the usages, customs, and provisions of law.

Contracts made by present trustees to be binding, &c.

SECT. 5. *Be it further enacted,* That each of the officers of the said corporation, before they enter upon the duties of their respective offices, shall take an oath before any judge or justice of the peace, of this state, well and truly to discharge the duties of their offices, without favor, affection or partiality, according to the best of their knowledge and ability, and the treasurer and collector of said corporation shall, in addition thereto, give bond in such sum and with such security as the trustees shall approve, conditioned for the faithful discharge of their duties; and if any officer of said corporation shall abuse any power or trust vested in him, whereby damage to the corporation shall be sustained, he or they so offending, shall be liable to the corporation for all such damages so sustained, to be recovered in any court having jurisdiction of the same.

Officers to take an oath before entering on the duties of office.

Treasurer & collector to give bond

SECT. 6. *Be it further enacted,* That each person heretofore or hereafter paying ten dollars

Each person paying ten

dollars to be entitled to a share. to the said corporation, shall be entitled for every ten dollars so paid, to a certificate of one share of the stock of said corporation, which certificate of stock shall be made out, and be transferable on the books of the company, and entitle the holder thereof to all privileges of a stockholder as aforesaid.

Contracts made by trustees, binding on the corporation. **Process, how served.** **SECT. 7.** *Be it further enacted,* That all contracts or obligations, made or entered into for carrying into effect the provisions contained in the second section of this act, by the trustees of the said corporation, and signed by the president and secretary, shall be binding on the said corporation, and the funds thereof, and valid in law; and all law process against the said corporation, being served on the president, or a copy left with the treasurer, shall be held a sufficient and legal service to put the said corporation to answer.

Funds, how appropriated. **SECT. 8.** *Be it further enacted,* That it shall and may be lawful for the trustees to employ the surplus funds of the corporation, after defraying the expences contemplated by the second section of this act, in that way most beneficial for the encouragement of literature, and for no other purpose whatever; and to set apart a fund for the education of orphans and poor children, and any donations in aid of the latter fund shall be strictly appropriated to that purpose.

Duty of president trustees. **SECT. 9.** *Be it further enacted,* That the articles of association, and powers and duties of the trustees, appointed in pursuance thereto, shall remain in full force and unimpaired, until an election shall have taken place under this act, and the trustees now in office shall superintend and hold the first election for trustees.

Misnomer not to annual any gift, &c. **SECT. 10.** *And be it further enacted,* That no misnomer of the said corporation shall defeat

or annul any gift, grant, devise or bequest to the said corporation : *Provided*, the intent of the parties shall sufficiently appear on the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to the said corporation. Proviso.

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

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 29, 1811.

CHAPTER XXIX.

AN ACT to amend the act, entitled " an act amendatory to the several acts appointing trustees to the Ohio University, and for other purposes," passed February fifteenth, one thousand eight hundred and nine.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the second section of the above recited act be, and the same is hereby revived, and declared to be in force until repealed by a future legislature.

This act shall be in force from and after its passage.

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 29, 1811.

CHAPTER XXX.

AN ACT for the relief of Zenas Pelton.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the marriage covenant subsisting by and between Zenas Pelton and Polly Pelton, both of the county of Trumbull, be, and the same is hereby declared null and void, and they, the said Zenas and Polly, are absolved from all and every obligation of the same.

SECT. 2. *And be it further enacted,* That the court of common pleas, for the county of Trumbull, shall, on application, cause provision for the maintenance of the said Polly to be made from the estate of the said Zenas to the amount of property she might have possessed at the time of marriage, and also one-third part of the property, real and personal, which the said Zenas and Polly have acquired since the marriage contract, if any they have so acquired.

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

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS KIRKER,

Speaker of the Senate.

January 28, 1811.

CHAPTER XXXI.

AN ACT to amend the act, entitled "an act for the laying out and leasing section number sixteen, in fractional township number four, second fractional range of the townships in the Miami purchase.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the trustees and

treasurer, elected in pursuance of the act entitled an act to incorporate the original surveyed townships, passed February sixth, one thousand eight hundred and ten, are hereby required to do and perform all the duties enjoined on the trustees and treasurer, required to be elected by the act entitled "an act for the laying out and leasing section number sixteen, in fractional township number four, second fractional range of the townships in the Miami purchase," passed the twenty-fourth of January, one thousand eight hundred and nine.

Duty of Trustees and treasurer.

SECT. 2. *And be it further enacted*, That the first section of the above recited act be, and the same is hereby in part repealed.

Repealing clause.

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

Commencement.

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

January 28, 1811.

CHAPTER XXXII.

AN ACT to regulate the navigation of the Great Miami river and its main branches.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio*, That no person or persons shall be permitted to build or erect a dam across the Great Miami river, nor the south-west branch of the same, nor Mad river, or in any manner obstruct the navigation of either of said streams, from the points following, that is to say—the Great Miami river from its junction with the Ohio river, up to the

What streams or parts of streams may not be obstructed by mill-dams.

mouth of Loramies creek, above the town of Washington, in the county of Miami; and the south-west branch of the same (called Still Water) from its confluence with the Great Miami river, up to the mouth of Greenville creek; also, Mad river, from its confluence with the Great Miami river, up to the forks of said river, near the town of Springfield, in the county of Champaign, except in manner hereinafter directed.

Slope to be built in any dam.

Dimensions of the slope.

Which shall be kept in good repair.

Persons now owning dams to erect slopes in a certain time.

SECT. 2. *Be it further enacted,* That each and every person or persons, who shall, from and after the passage of this act, build or cause to be built, any dam across any of the aforesaid streams, between the points aforesaid, shall build a slope in the same, of at least thirty feet in width, the mouth of which shall be sunk one foot below the common average height of the said dam, and shall extend down the stream in proportion to the height of the dam, so that there shall not be more than one inch fall for every foot in length of said slope, and to be erected in such part of said dam, where the main channel or current of said river may run or strike the said dam; and the owner or owners of said dam, shall keep the said slope in repair, so as to admit of the safe passage of rafts, boats and other water crafts used in descending and ascending the Great Miami river, and in descending Still Water and Mad river.

SECT. 5. *Be it further enacted,* That each and every person or persons owning and using any dam on either of the aforesaid streams, between the points designated in the first section of this act, for any purpose whatsoever, such person or persons shall, on or before the first day of November, one thousand eight hundred and twelve, in every respect comply with the

provisions contained in the second section of this act.

SECT. 4. *And be it further enacted,* That if any person or persons shall continue to use any dam or dams on either of the aforesaid streams, or shall hereafter make and erect any dam, or other obstruction in the navigation of either of the aforesaid streams, between the points aforesaid, without conforming to the provisions contained in the second section of this act, the person or persons so offending shall forfeit and pay, for every such offence a sum not exceeding five hundred dollars, at the discretion of the court, to be recovered by indictment preferred before the court of common pleas, of the county wherein the offence shall be committed, and appropriated for improving the navigation of said stream or streams, under the directions of the commissioners of said county; and moreover be liable to the proper action of the party injured for all damages which he, she or they may sustain thereby.

Persons offending against this act, how dealt with.

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

Commencement.

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

January 28, 1811.



CHAPTER XXXIII.

AN ACT to amend the act entitled "an act for regulating roads and highways."

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the several roads and highways laid out and opened in this state,

under the three per cent. fund, granted by congress for laying out and opening roads in this state, shall be subject to such regulations and alterations, by the commissioners of the several counties, as county roads are by the before recited act, any thing in the several acts, making appropriations of the said three per cent. fund, to the contrary notwithstanding.

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

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

January 28, 1811.



CHAPTER XXXIV.

AN ACT for the relief of David Phouts.

Preamble.

WHEREAS David Phouts, of Montgomery county, state of Ohio, has represented to the satisfaction of this general assembly, that five of his children were born blind, and so continue to be and remain, altogether unable to render any assistance or help for their own support, much less for the support or maintenance of their father, who it appears is now gone blind also, or their aged mother, become helpless through age and infirmity.—Therefore, the better to enable him, the said David Phouts, to support himself and his unfortunate family,

County commissioners to issue an order annually for \$150.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the commissioners of Montgomery county shall issue an order upon the treasurer of said county, in favor of the said David Phouts, for the sum of one hun-

dred and fifty dollars, yearly, to be paid quarterly, out of any monies in the treasury not otherwise appropriated, during his natural life, unless he shall move out of the said county :

Provided, That should any of the said family die, those remaining shall only be entitled to receive a sum in proportion to the number living, and the commissioners shall govern themselves accordingly.

SECT. 2. *Be it further enacted*, That in case the said David Phouts shall die, or it shall be made appear to the satisfaction of the court of common pleas of the said county of Montgomery, that the money he is entitled to receive in pursuance of the first section of this act, or any part thereof, is not applied for the purpose herein intended, the court shall appoint a suitable person to receive the money and apply it as by this act is provided, and not otherwise ; and such person shall be under the direction of said court at all times when called on to render a just and true account of all such monies by him received and expended, and shall be accountable for any misdemeanor in his appointment.

In case of death or misapplication of money.

Court to appoint a suitable person to receive and disburse the money.

Who may be called to account.

SECT. 3. *Be it further enacted*, That the court appointing such person shall cause their clerk to give him a certificate of his said appointment, and on complaint by the overseers of the poor as aforesaid, shall issue their summons, notifying the person so appointed to appear at the return thereof, and which may be either forthwith or to any subsequent term as to them shall seem just and equitable, render an account of his doings, and be dealt with as the court may direct, and the commissioners shall govern themselves accordingly.

Person appointed, to receive a certificate.

When complaint made against him how to proceed.

SECT. 4. *And be it further enacted*, That the commissioners at the same time they levy the tax for county purposes, if necessary, shall levy

County commissioners to levy ad-

ditional tax, as much more as will defray this expence,
if necessary. which tax shall be collected at the same time
How to be and in the same manner that the county levy is
collected. collected.

Commence- This act to take effect and be in force from
ment. and after the passage thereof.

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 29, 1811.



CHAPTER XXXV.

AN ACT regulating the times of holding judicial courts.

Times of holding supreme courts.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the supreme court shall be holden and commence its sessions in the several counties as follows, to wit :—In the county of Ross, on the twenty-fifth day of March; in the county of Fairfield, on the seventh day of April; in the county of Licking, on the twenty-second day of April; in the county of Knox, on the first day of May; in the county of Coshockton, on the fifth day of May; in the county of Tuskarawas, on the seventh day of May; in the county of Stark, on the tenth day of May; in the county of Portage, on the thirteenth day of May; in the county of Cuyahoga, on the seventeenth day of May; in the county of Geauga, on the twentieth day of May; in the county of Ashtabula, on the twenty-sixth day of May; in the county of Trumbull, on the twenty-eighth day of May; in the county of Columbiana, on the third day of June; in the county of Jefferson, on the eighth

day of June ; in the county of Belmont, on the seventeenth day of June ; in the county of Guernsey, on the twenty-first day of June ; in the county of Muskingum, on the twenty fourth day of June ; in the county of Washington, on the fifth day of July ; in the county of Athens, on the nineteenth day of July ; in the county of Gallia, on the twenty-fourth day of July ; in the county of Scioto, on the twenty-seventh day of July ; in the county of Adams, on the first day of August ; in the county of Highland, on the fifth day of August ; in the county of Clinton, on the ninth day of August ; in the county of Clermont, on the twelfth day of August ; in the county of Hamilton, on the twenty-third day of August ; in the county of Warren, on the thirteenth day of September ; in the county of Butler, on the thirtieth day of September ; in the county of Preble, on the fourteenth day of October ; in the county of Montgomery, on the eighteenth day of October ; in the county of Miami, on the twenty-eighth day of October ; in the county of Champaign, on the first day of November ; in the county of Green, on the seventh day of November ; in the county of Fayette, on the eighteenth day of November ; in the county of Madison, on the twenty-first day of November ; in the county of Delaware, on the twenty-fourth day of November ; in the county of Franklin, on the twenty-ninth day of November ; in the county of Pickaway, on the sixth day of December—and, when any of the aforesaid days shall happen on Sunday, or on the second Tuesday of October, then the court shall be holden on the next judicial day.

SECT. 2. *Be it further enacted*, That the courts of common pleas, for the first circuit, shall be holden as follows, to wit:—In the county of Hamilton, on the first Mondays of

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

April, August and December ; in the county of Butler, on the third Mondays of April, August and December ; in the county of Preble, on the fifth Monday of April, the first Monday of September, and the fifth Monday of December ; in the county of Montgomery, on the first Monday in May, the second Monday in September, and the first Monday in January ; in the county of Miami, on the second Monday in May, the third Monday in September, and the second Monday of January ; in the county of Champaign, on the third Monday of May, the fourth Monday of September, and the third Monday of January ; in the county of Green, on the fourth Monday of May, the fifth Monday of September, and the fourth Monday of January ; in the county of Clinton, on the first Mondays of June, October and February ; in the county of Warren, on the second Mondays of June, October and February.

Times of holding courts of common pleas in the second circuit.

SECT. 3. *Be it further enacted*, That the courts of common pleas, for the second circuit, shall be holden as follows, to wit:—In the county of Ross, on the second Mondays of February, June and October ; in the county of Pickaway, on the first Mondays of March, August and November ; in the county of Franklin, on the second Mondays of March, August and November ; in the county of Madison, on the third Mondays of March, August and November ; in the county of Fayette, on the Thursdays following the courts in the county of Madison ; in the county of Highland, on the first Monday of April, the fourth Monday of August, and the fourth Monday of November ; in the county of Clermont, on the second Monday of April, the first Monday of September, and the first Monday of December ; in the county of Adams, the third Monday of April, the

second Monday of September, and the second Monday of December ; in the county of Scioto, on the fourth Monday of April, the third Monday of September, and the third Monday of December ; in the county of Gallia, on the fifth Monday of April, the fourth Mondays of September and December.

SECT. 4. *Be it further enacted*, That the courts of common pleas, for the third circuit, shall be holden as follows, to wit :—In the county of Tuskarawas, the first Mondays of June, November and March : in the county of Stark, the Thursdays of June, November and March, next following the said first Mondays : in the county of Portage, the second Mondays of June, November and March : in the county of Cuyahoga, the Thursdays of June, November and March, next following the said second Mondays : in the county of Geauga, the third Mondays of June, November and March : in the county of Ashtabula, on the Thursdays of June, November and March, next following the said third Mondays : in the county of Trumbull, the fourth Mondays of June, November and March : in the county of Columbiana, the first Tuesdays of July, December and April : in the county of Jefferson, the second Tuesdays of August, December and April : in the county of Belmont, the third Tuesdays of August, December and April.

Times of holding courts of common pleas in the third circuit.

SECT. 5. *Be it further enacted*, That the courts of common pleas, for the fourth circuit, shall be holden as follows, to wit :—In the county of Athens, on the first Mondays of April, August and December : in the county of Washington, on the second Mondays of April, August and December : in the county of Muskingum, on the third Mondays of April, August and December : in the county of Guern-

Times of holding courts of common pleas in the fourth circuit.

sey, on the fourth Mondays of April, August and December : in the county of Coshockton, on the fifth Monday of April, the first Monday of September and the fifth Monday of December : in the county of Knox, on the first Monday of May, the second Monday of September and the first Monday of January : in the county of Delaware, on the second Monday of May, the third Monday of September, and the second Monday of January : in the county of Licking, on the third Monday of May, the fourth Monday of September, and the third Monday of January ; in the county of Fairfield, on the fourth Monday of May, the fifth Monday of September, and the fourth Monday of January.

SECT. 6. *Be it further enacted,* That it shall not be lawful for any court of common pleas in this state, to hold their sessions for one term longer than twelve judicial days; and that no suit, either in law or chancery, shall be discontinued by the operation of this act.

No court
may sit more
than 12 days,
&c.

SECT. 7. *And be it further enacted,* That the first, second, third, fourth and fifth sections of the act, entitled "an act regulating the times of holding judicial courts," passed the 20th February, 1810, be, and the same is hereby repealed. The first section of this act shall take effect from and after the passage thereof; and that the residue of the same shall take effect on the first day of June next, and not before.

Repealing
clause.

Commence-
ment.

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

January 30, 1811.

CHAPTER XXXVI.

AN ACT authorising Daniel Sheehy, and Jane, his wife, in conjunction with other persons therein named, to convey in fee simple certain lands.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That a commission to be composed of James Davidson and Richard Holland, be, and they are hereby authorised, by and with the consent and co-operation of Daniel Sheehy, and Jane, his wife, all of Trumbull county, to sell and convey in fee simple, not exceeding sixty acres of land, off of such part of the farm or tract of land now occupied by the said Daniel, situate in the township of Youngstown, in the county of Trumbull, as the said commission, and Daniel, and Jane, his wife, shall think best, having due regard to the present and future interests of the issue of the said Daniel, and Jane, his wife.

Names of commission.

Their powers.

SECT. 2. *Be it further enacted,* That the avails of the sale, made under the first section of this act, shall be laid out and expended on the residue of the farm aforesaid, in clearing and improving the same, under the direction of the said commission and the said Daniel.

Proceeds of sale, how appropriated.

SECT. 3. *Be it further enacted,* That no sale or conveyance which may be made under the authority of this act, shall impair or invalidate any legal lien which any person shall have on the same, other than the issue of the said Daniel and Jane.

Sale not to affect the claim of other persons.

SECT. 4. *And be it further enacted,* That the commission aforesaid be, and they are hereby constituted and appointed guardians to the issue of the said Daniel and Jane, so far forth as their interest shall be embraced in this act, and in

Commission to be guardians, &c.

Either dying the others to act. further. Should either of the commission die, refuse or neglect to act under the provisions of this act, the surviving or remaining member thereof, shall have all the powers of the joint commission.

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

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 29, 1811.

CHAPTER XXXVII.

AN ACT requiring owners and occupiers of salt works and wells to inclose the same.

Certain parts of salt works to be enclosed. SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That all owners or occupiers of any salt works or salt wells, shall sufficiently enclose and keep enclosed all such parts of said works containing open wells, bitter water or unoccupied pits.

Unoccupied salt wells to be enclosed. SECT. 2. *Be it further enacted,* That all owners of any unoccupied salt works or salt well, or wells sunk for salt water, and remaining open, shall enclose the same with a good and lawful fence, and keep the same in good and constant repair.

Persons failing to comply. How punished. SECT. 3. *And be it further enacted,* That if any owner or occupier of any salt works or salt wells as aforesaid, shall neglect or refuse to comply with the provisions of this act, such owner or occupier, so offending, shall, on conviction thereof, before any court having jurisdiction of the same, be fined, for every such neglect or refusal, in a sum not exceeding one

hundred dollars, at the discretion of the court, for the use of the proper county, and shall moreover be liable to the action of any person or persons that may be injured by such neglect or refusal.

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

EDWARD TIFFIN,
Speaker of the house of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 30, 1811.

CHAPTER XXXVIII.

AN ACT authorising the proprietor of Elizabeth-town, in the county of Fairfield, to alter or vacate the same.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio, That the proprietor of Elizabeth-town, in the county of Fairfield, is authorised to alter or vacate the plat of said town: Provided, it be by and with the consent of all persons owning any part thereof: Provided also, That the proceedings thereon be acknowledged before either a justice of the peace or associate judge of the county of Fairfield, and recorded in the recorder's office of said county, within one year from and after the passage of this act.*

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

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

January 29, 1811.

CHAPTER XXXIX.

AN ACT for the relief of bail in certain cases.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That when any bail has been compelled to pay the amount of any judgment or any part thereof, the court or justice before whom such judgment was rendered, may, upon the request of such bail, issue a scire facias against the person or persons against whom judgment was originally given, to appear before such court or justice, which shall be served and returned by the proper officer, and said court or justice, as the case may be, shall proceed to hear and determine said suit, as in other cases, and in such cases there shall be no stay of execution.

SECT. 2. *And be it further enacted,* That when the defendant shall have removed, or resides out of the county or township wherein judgment was originally given, the court or justice before whom such judgment has been entered, may, upon the request of such bail, grant a transcript of such judgment, and the defendant shall be proceeded against on such transcript, by any court having cognizance thereof, in the same manner as in the first section of this act.

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

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

January 30, 1811.

CHAPTER XL.

AN ACT to amend the act, entitled "an act for disciplining the militia."

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That each division of the militia of this state, shall consist of not less than two nor more than six brigades.

Division, what to consist of.

SECT. 2. *Be it further enacted,* That the militia 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, and one quarter-master-general, which aids de-camp shall be appointed by the major-general; to each brigade there shall be one brigadier-general, and one brigade inspector, who shall serve as brigade-major, and one quarter-master of brigade, both to be appointed by the brigadier-general—To each regiment, one lieutenant-colonel-commandant—To each battalion, one major—To each company, one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, one fifer. The regimental staff shall consist of one adjutant, one quarter-master, one clerk, one pay master, one surgeon, one surgeon's mate, to be appointed by the surgeon, one sergeant-major, one quarter-master sergeant, one drum-major and fife-major, to be appointed by the commandant of the regiment: *Provided,* That each odd battalion shall be allowed the same staff, which, by this section, is allowed to a regiment, to be appointed by the commandant thereof.

Militia, how officered.

Provided,

SECT. 3. *Be it further enacted,* That every commissioned officer, of whatever rank, who may lose his command in any corps, by the division of the district, or shall have served five years or upwards, as a commissioned officer in this state, shall be exempt from military duty in

What officers exempt from militia duty.

Proviso. time of peace : *Provided*, That all such officers shall be enrolled and classed, as militia men, in the companies in which they may respectively reside, by the commandants of such companies, and shall hold themselves in readiness to do militia duty, in their proper classes, when called into actual service.

Commandant of brigade to appoint officer musters. **SECT. 4.** *Be it further enacted*, That each brigadier-general or commandant of brigade, shall appoint the time and place of holding the officer musters of his brigade, and may call the whole or any part of the officers thereof together, for the purpose of having them exercised, agreeable to the provisions of the sixteenth section of the act to which this is an amend-

What notice to be given to colonels, majors, &c. ment, by giving forty days previous notice thereof to the lieutenant-colonels, who shall give thirty days previous notice thereof to each major; and the staff officers of the regiment and the major shall give twenty days previous notice thereof to the commanding officers of companies, who shall give ten days notice of the same to his subalterns; at which time and place such brigadier-general or commandant of brigade shall attend and superintend their exercise : *Provided*, That at all officer musters, the officer highest in rank, present, shall have a right to command.

Battalion courts of enquiry, when held. **SECT. 5.** *Be it further enacted*, That battalion courts of enquiry, and assessment of fines, shall be held as followeth, viz.—On that day week, next succeeding their respective battalion musters, at or near the place of holding such muster, and the officers composing such court, shall meet at eleven o'clock A. M.

Comdts. of regts. to appoint regimental courts of, &c. **SECT. 6.** *Be it further enacted*, That the commandants of regiments shall, at their respective regimental musters, appoint the place of holding regimental courts of enquiry, as near

as may be, to the centre of such regiment, of which notice shall be given while on parade.

SECT. 7. *Be it further enacted,* That the commandants of brigades are hereby authorized and required to make the same endorsement on the commissions of the officers within their respective brigades, that is enjoined on the commandants of divisions, by the third section of the act to which this is an amendment.

Comdts. of brigades to endorse commissions

SECT. 8. *Be it further enacted,* That where the centre of any company district shall be a greater distance than fifteen miles from the place of holding the muster of the battalion or regiment, to which such company may belong, such company or companies shall respectively meet on the day appointed by law for the meeting of such battalion or regiment, at the place of holding their respective company musters, and shall exercise under the command of their company officer, as in other cases; and the commissioned officers of any such company, or a majority of them, shall respectively, on that day week, after the day of muster, hold a court of enquiry and assessment of fines, which fines shall be collected and applied as other fines under the provisions of the act to which this is an amendment. Said officers to appoint a clerk, who shall keep a record of their proceedings; and each commandant of such company shall make a return of his company to the commandant of such battalion or regiment, as the case may be, within ten days after such company muster, agreeable to the provisions of the twenty-seventh section of the act to which this is an amendment.

Where company distant 15 miles from place of battalion musters, may exercise by company.

SECT. 9. *Be it further enacted,* That where the centre of any company district shall be a greater distance than fifteen miles from the place of holding the muster of the battalion or regiment, to which such company may belong, such company or companies shall respectively meet on the day appointed by law for the meeting of such battalion or regiment, at the place of holding their respective company musters, and shall exercise under the command of their company officer, as in other cases; and the commissioned officers of any such company, or a majority of them, shall respectively, on that day week, after the day of muster, hold a court of enquiry and assessment of fines, which fines shall be collected and applied as other fines under the provisions of the act to which this is an amendment. Said officers to appoint a clerk, who shall keep a record of their proceedings; and each commandant of such company shall make a return of his company to the commandant of such battalion or regiment, as the case may be, within ten days after such company muster, agreeable to the provisions of the twenty-seventh section of the act to which this is an amendment.

Court of enquiry, &c. how held in such cases.

WHEREAS it is provided by the thirty-ninth section of an act of congress, entitled "an act regulating the post-office establishment," passed the thirtieth April, one thousand

Preamble

Quotation
from law of
U. States.

eight hundred and ten, " that the adjutant-general of the militia of each state and territory shall have a right to receive by mail, free of postage, from any major or brigadier-general thereof, and to transmit to said generals, any letters or packet relating solely to the militia of such state or territory : *Provided always*, That every such officer, before he delivers any such letter or package for transmission, shall, in his own proper hand-writing, on the outside thereof endorse the nature of the paper enclosed, and thereto subscribe his name and office, and shall previously furnish the post-master of the office where he shall deposit the same, with a specimen of his signature ; and if any officer shall frank any letter or package, in which shall be contained any thing relative to any other subject than of the militia of such state or territory, every offender shall, on conviction of every such offence, forfeit and pay a fine of fifty dollars"—Therefore,

Election of
officers to be
certified by
judges of e-
lection to
brig. genl.
who shall
certify the
same to the
adjt. genl.
His duty.

SECT. 9. *Be it further enacted*, That the election of all officers below a colonel, shall be certified by the judges of election or officer who presides at the same, as the case may be, to the commandant of brigade to which they may respectively belong, who shall certify all such elections, together with the election of colonels within his brigade, franked, to the adjutant-general, who shall lodge such returns in the office of the secretary of state, and shall forthwith after the commissions issue, enclose them, franked, to the commandant of the proper brigade, he shall also enclose, frank and transmit by mail, to each major-general or brigadier-general, all papers and packets relating solely to the militia of this state, from his own office or the office of the secretary of state, and receive in like manner all such papers and pac-

lets from said generals.

SECT. 10. *Be it further enacted,* That the adjutant-general shall henceforth keep a rank roll of all commissions which shall issue to the officers of the militia, and the brigadier-generals shall each keep a record of all endorsements made on commissions within his brigade, and shall forward a certified copy thereof to the adjutant-general's office on or before the first of January, annually.

Adj. genl. to keep a rank roll.

Brigadier-generals to keep a record of endorsements, &c.

SECT. 11. *Be it further enacted,* That the commander in chief shall order general courts martial and courts of enquiry, where a major-general shall preside; division courts of enquiry and courts martial shall be ordered by a major-general, where a brigadier-general shall preside; brigade courts of enquiry and courts martial shall be ordered by a brigadier-general, where a colonel shall preside; regimental courts of enquiry and courts martial shall be ordered by a colonel, where a major shall preside; courts of enquiry shall consist of not less than three nor more than five members, and each court martial shall consist of not less than five nor more than thirteen, and to be of rank as near as may be suited to the rank of the officer whose cause is to be tried; general and division courts of enquiries shall have power to assess fines incurred by division and brigade officers; all courts of enquiries shall according to their rank have power to enquire into the conduct of any officer whose official acts or behavior is called in question, or who is arrested by a superior officer, and shall have power to hear and compel the attendance of witnesses, and report the facts as they appear, to the officer by whom such court of enquiry was appointed, who may thereupon dismiss the complaint or call a court martial to decide on the case; and

Governor to order general courts martial, &c.

Division courts, by whom ordered.

Brigade courts.

Regimental courts.

Courts, of what to consist.

Power of general, and division courts, their powers.

To compel the attendance of witnesses, and make report.

all courts martial shall be governed, as near as may be, by the rules and regulations laid down for the government of the armies of the United States in such cases.

Courts may suspend or disqualify, &c. **SECT. 12.** *Be it further enacted,* That courts martial shall have power to punish otherwise than is provided by the act to which this is an amendment, by suspension, cashiering, and disqualification, to hold any office in the militia.

Officer ordering arrest to issue summons. **SECT. 13.** *Be it further enacted,* That in all cases where an officer is arrested, the officer who orders the arrest shall issue any summons that may be applied for by either of the parties, or which he may think necessary, to compel the attendance of witnesses; and the party so applying, or any person whom the officer granting such summons may appoint, may serve the same and endorse the time of service thereon, which shall be at least three days previous to the sitting of the court martial, and shall make a return thereof to the president of said court the first day thereof, who shall administer an oath or affirmation to the persons returning the summons, relative to the service thereof. Any person being duly summoned to attend a court martial, and neglects or refuses, shall be fined in a sum not exceeding ten dollars, which fine shall be collected and applied as other fines under the provisions of the act to which this is an amendment.

How to be served.

Persons refusing to obey summons, to be fined.

Officers refusing to obey their superiors. **SECT. 14.** *Be it further enacted,* That when any officer shall neglect or refuse to execute the orders of his superior officer, given for the purpose of carrying any of the provisions of this act or the act to which this is an amendment into effect, or shall refuse or neglect to discharge any of the duties enjoined on him by this act or the act to which this is an amendment, his superior officer may at his own dis-

cretion arrest such officer, or if any other commissioned officer shall lodge a complaint with such superior officer, which in his opinion is good grounds for an arrest, such superior officer shall cause the officer against whom such complaint is made, to be arrested, and for no other cause whatsoever, any thing in any law or usage to the contrary notwithstanding.

May be arrested, &c.

SECT. 15. *Be it further enacted*, That the fourth-section and the fifth article of the act for disciplining the militia, and such part of the third section as requires the commandants of divisions to make out and forward to the adjutant-general a rank roll, annually, and such part of the twenty-third section as requires that all officers arrested shall be tried by a regimental court of enquiry or court martial, together with any part of the above recited act that is contrary to the true intent and meaning of this act, be, and the same is hereby repealed, as also so much of the sixteenth section of the before recited act as requires the officers to do and perform camp duty during the night.

Repealing clause.

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

Commencement.

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

January 30, 1811.



CHAPTER XLI.

AN ACT vacating part of the town of Tuskarawas, and changing the name thereof.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio*, That the proprietors

What part of said town may be vacated. of the town of Tuskarawas, in the county of Coshockton, are authorised and empowered to vacate the three lower or south tiers of squares in said town, extending from the east boundary of said tiers of squares, to the river Muskingum, and also the out lots lying west of the Muskingum river and Whitewoman's creek, and north of the Tuskarawas branch: *Provided*, That it shall be by and with the consent of all persons owning any part of the said town, intended to be vacated: *Provided also*, That their proceedings thereon be acknowledged before a proper officer and recorded in the recorder's office, in the county of Coshockton, within one year from the passage of this act.

South squares to be sold, and how. **For what purpose.** **SECT. 2.** *Be it further enacted*, That the south square, laid out for public uses, in said town, shall be divided into lots by the commissioners of the county of Coshockton, in such manner as they may think best, which lots shall be sold at public vendue, under the direction of said commissioners, and the proceeds of such sales shall be by them applied toward the expenses of erecting public buildings in said county, and said commissioners are authorised to make deeds for all lots so sold.

Name changed. **Commence-ment.** **SECT. 3.** *And be it further enacted*, That the aforesaid town of Tuskarawas shall hereafter be known and designated by the name of Coshockton. This act to be in force from and after the passage thereof.

EDWARD TIFFIN,
Speaker of the House of Representatives.
 THOS. KIRKER,
Speaker of the Senate.

January 30, 1811.

CHAPTER XLII.

AN ACT making appropriations for the year one thousand eight hundred and eleven.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the sum of seven hundred and twenty-six dollars and seventy-nine cents, being the balance of the contingent fund, appropriated for the year one thousand eight hundred and ten, be appropriated as a contingent fund for the year one thousand eight hundred and eleven, subject to the order of the governor, who shall make report of the disbursements thereof to the next session of the legislature.

Contingent fund for the governor.

SECT. 2. *Be it further enacted,* 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 eleven, not more than the following sums, to wit:—

Sundry appropriations.

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

To White, Sawyer and Chambers, for printing bills and laws of the present general assembly, the amount of their accounts, to be paid on the terms specified in their contract, and to be settled by the auditor, treasurer and secretary of state.

To Nashee and Denny, the amount of their account, for printing the journals of the house of representatives, to be settled by the auditor, treasurer and secretary of state.

To Joseph S. Collins and Co. the amount of their account, for printing the journals of the

senate, to be settled by the auditor, treasurer and secretary of state. To the members and officers of the present general assembly, in addition to the sum already appropriated, a sum not exceeding three thousand five hundred dollars. To the clerk of the senate and clerk of the house of representatives, the sum of five dollars, each, per day. To the door-keeper of the senate and door-keeper of the house of representatives, the sum of two dollars, each, per day. To Alexander M'Laughlin, eighty-seven dollars and seventy nine cents. To Lewis Dent, thirty-nine dollars and fifty cents. To Kirker and Fulton, forty dollars and ninety-three cents, the amount of their accounts on settlement, for stationary furnished the general assembly. To James Hampson, for furniture made and repairs done in senate chamber, the sum of thirty-six dollars and eighty seven and one half cents. To Frederick Betz, for fuel furnished the present general assembly, the sum of forty-eight dollars and ninety cents. To Thomas Kirker, the sum of two dollars and thirty-eight cents being postage paid on letters directed to the speaker of the senate, during the present session. A sum not exceeding twenty dollars, for the purpose of furnishing seals for the counties organized the present session; also a sum not exceeding twenty-five dollars for the purpose of furnishing a seal and press for the auditor of state. That a sum not exceeding twelve hundred dollars be appropriated to defray the expence of distributing the laws and journals of the present session. To James Finley the sum of sixty dollars; to Joseph Darlington the sum of fifty-seven dollars; to William M'Farland the sum of forty-two dollars; to Wyllys Silliman the sum of thirty-nine dollars; to Reasin Beall the

\$20 dollars
for procuring
seals
for new
counties.

Appropriation to commissioners for fixing permanent seat of government.

sum of sixty dollars, for services rendered as commissioners for fixing the permanent seat of government. To William M'Farland the sum of forty-four dollars and thirty-three cents, for making out a statement of the application of the three per cent. fund, postage and sundries furnished the state. To William Essex the sum of three hundred and seventy-six dollars and sixty-two cents for records furnished the auditor's office. To the auditor of public accounts, two hundred and eighteen dollars and ninety-eight cents, for stationery and postage for the year one thousand eight hundred and ten, and carriage paid for transporting records from Lexington to the seat of government. To Benjamin Hough, auditor of public accounts of the state of Ohio, for clerk hire for the year one thousand eight hundred and nine, three hundred dollars; for clerk hire for the year one thousand eight hundred and ten, six hundred dollars; and to enable him to procure and pay for a new set of recording books, in which to keep the records of said office, and for clerk hire for the year one thousand eight hundred and eleven, twelve hundred dollars, in addition to his salary for said years.

44 dollars and 33 cents to William M'Farland, treasurer.
 376 dollars and 62 cents for record books for auditor's office.
 218 dollars and 98 cents for stationery, &c. for auditor's office.
 To auditor for clerk hire for 1809, \$300.
 To auditor for clerk hire for 1810, \$600.
 To auditor for new books and clerk hire for 1811, \$1200.

SECT. 3. *Be it further enacted*, That any expenses that have or may hereafter accrue in prosecuting delinquent collectors, shall be allowed by the auditor, and paid out of the contingent fund.

Appropriation for prosecuting delinquent collectors.

SECT. 4. *And be it further enacted*, That a sum not exceeding fifteen hundred dollars, be and the same is hereby appropriated as a contingent fund, for the purpose of refunding money received for taxes on land twice, or improperly charged.

\$1500 to refund taxes improperly paid.

Commence-
ment.

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

EDWARD TIFEIN,

Speaker of the house of Representatives.

THOS. KIRKER,

Speaker of the Senate.

January 30, 1811.

RESOLUTIONS.

A RESOLUTION instructing our representation in congress to use their best endeavors to procure an extension of the time for the payment of public lands, in certain cases.

WHEREAS many of the citizens of this state, who have purchased lands of the United States, who will not be able to comply with their contracts, and the time is fast approaching (and with many already elapsed) when they will be deprived of the fruits of their former industry, by non-compliance, unless government should grant them further indulgence—Therefore,

Resolved by the general assembly of the state of Ohio,
That our senators in congress be instructed and our representative be requested to use their best endeavors to procure an extension of the time for the payment of public lands, to the following effect, as well for those who come under the pre-emption law as others, as many individuals within the Cincinnati district have paid a high price for the right of pre-emption in addition to the price to be paid to government, viz.—Where a person has purchased lands of the United States, not exceeding one section, and paid only one instalment, upon his forfeiting the sum paid, such purchaser or his legal representative shall be entitled to the right of pre-emption from the time it is forfeited by the act of congress until the time of sale, and the terms of payment on the second entry be the same

as are now established by law. Where two or more instalments are paid, the purchaser or his legal representative shall be entitled to the same privilege, viz.—upon forfeiting the first instalment, the second and third instalments shall be placed to his credit on the second purchase. The law thus modified, would perhaps enable many good citizens to provide in a decent manner for a young and rising family, which, under existing circumstances they may be deprived of, and as the sum forfeited would be more than six per cent. interest on the purchase money, it would by no means be injurious to the nation.

Resolved, That the governor be requested to forward copies of the foregoing resolution to the senators and representative from this state in the congress of the United States.

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate

Attest—R. OSBORN, C. H. R.

Attest—CARLOS A. NORTON, C. S.

January 14, 1811.

A RESOLUTION Directing the door-keepers to take charge of and the clerks to make out an inventory of certain property, &c.

Resolved by the general assembly of the state of Ohio, That the door-keeper of the senate and the door-keeper of the house of representatives shall take charge of, and preserve in good order, the furniture of their respective houses, and have the same in proper order and place for the general assembly on the first Monday in December next, or at any preceding time, should the legislature be convened.

Resolved also, That immediately after the rising of the legislature, the clerks of the respective branches shall make out a true and perfect inventory of all papers, books, maps, and stationery, belonging to the state, in

their possession, and within twenty days thereafter deliver the same, properly filed, together with the inventory, to the secretary of state, who will keep and preserve the same, subject to the order of the next legislature.

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

Attest—R. OSBORN, C. H. R.

Attest—CARLOS A. NORTON, C. S.

January 30, 1811.

RESOLUTION directing the secretary of state to make out an index to the laws.

Resolved by the general assembly of the state of Ohio, That the secretary of state be directed to make out a complete index, in alphabetical order, similar to the index affixed to the laws of the United States, of all the laws in force in this state, together with laws passed at the present session and deliver the same to the printers of the laws of the present session, in order that it may be annexed to the volume of laws.

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS KIRKER,

Speaker of the Senate.

Attest—R. OSBORN, C. H. R.

Attest—CARLOS A. NORTON, C. S.

January 29, 1811.

RESOLUTION appointing commissioners to fix the seat of justice of Wayne county.

Resolved by the general assembly of the state of Ohio, That Jabez Wright, of Huron county, Henry Aten, of Columbiana county, and James Moore, of Jefferson county, be, and they are hereby appointed commissioners to fix the seat of justice for the county Wayne, and

after having agreed on the place for the seat in said county, they shall make report thereof to the next court of common pleas to be held in the county of Stark.

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

Attest—R. OSBORN, C. H. R.

Attest—CARLOS A. NORTON, C. S.

January 22, 1811.

RESOLUTION for having certain acts re-printed and annexed to the laws of the present session.

Resolved by the general assembly of the state of Ohio,
That the act against forcible entry and detainer, passed the session of one thousand eight hundred and five; the act directing the mode of proceeding against collectors in certain cases; the act prescribing the mode of contesting the election for governor; the act appointing notaries public; the act to amend the act entitled an act regulating black and mulatto persons; and the act to amend an act regulating county levies, to be printed and annexed to the volume of laws passed at the present session.

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

Attest—R. OSBORN, C. H. R.

Attest—CARLOS A. NORTON, C. S.

January 30, 1811.

RESOLUTION for printing the militia laws and distributing the same.

Resolved by the general assembly of the state of Ohio,
That the public printer be directed to print twenty-five hundred copies of the act to amend the act entitled "an act for disciplining the militia," passed the present ses-

sion, separate from the other laws, with a copy of the articles of war, which govern the army of the United States, annexed to each copy of the militia laws as aforesaid, and the secretary of state shall have the same distributed in such way and in such proportion as the governor may direct.

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

Attest—R. OSBORN, C. H. R.

Attest—CARLOS A. NORTON, C. S.

January 30, 1811.



RESOLUTION appointing commissioners to fix the seat of justice in Madison county.

WHEREAS it appears to the satisfaction of this general assembly, that the seat of justice in the county of Madison has not been satisfactorily established—Therefore,

Resolved by the general assembly of the state of Ohio, That Allen Trimble, of Highland county, Peter Light, of Clermont county, and Lewis Newsom, of Galia county, be, and they are hereby appointed commissioners to fix the seat of justice for said county of Madison, and after having agreed on the place for the seat of justice in said county, they shall make report thereof to the next court of common pleas, to be held in said county of Madison.

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

Attest—R. OSBORN, C. H. R.

Attest—CARLOS A. NORTON, C. S.

January 20, 1811.

A RESOLUTION for the appointment of commissioners, agreeably to the provisions of the act entitled an act to amend the act making further appropriation of the three per cent. fund, granted by the United States, for laying out, opening, and making roads within this state, passed the twentieth day of February, one thousand eight hundred and ten.

Resolved by the general assembly of the state of Ohio,
That George Clark be, and is hereby appointed commissioner to act jointly with John Shorb and Joseph H. Larwill; also, that Robert Plummer be, and is hereby appointed commissioner for the road from Morris-town, in the county of Belmont, to Barnesville; and thence on the road toward Zanesville to the seventh range line; also, that Michael Dickey be, and is hereby appointed in the room of John Graham, road commissioner on the state road from Franklinton, through Madison county, to Springfield, in Champaign county; the appropriation to be laid out in seventeen miles west of Big Derby.

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

Attest—R. OSBORN, C. H. R.

Attest—CARLOS A. NORTON, C. S.

January 29, 1811.

A RESOLUTION approving the measures of the general government.

Resolved by the general assembly of the state of Ohio,
That this legislature fully believe that our political safety depends on our attachment to and continuance in our federative relations with our sister states, and we pledge ourselves to the general government to support the union of these states to the utmost of our power; and, believing as we do, that the measures of the general government are directed by sound policy, with the welfare of all in view, we hesitate not to say, that this state will be found ever ready to support such measures as congress may direct, for securing our rights, sovereignty and

independence.

Resolved, That the governor be requested to forward copies of the foregoing resolution to the president of the senate, the speaker of the house of representatives, and to our representation in congress.

EDWARD TIFFIN,
Speaker of the House of Representatives.

THOS. KIRKER,
Speaker of the Senate.

Attest—R. OSBORN, C. H. R.

Attest—CARLOS A. NORTON, C. S.
January 30, 1811.



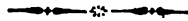
A RESOLUTION for the appointment of commissioners to fix the seat of justice in the county of Huron.

Resolved by the general assembly of the state of Ohio, That Ephraim Quinby, of Trumbull county, Joseph Clark, of Geauga county, and Solomon Griswold, of Ashtabula county, be, and they are hereby appointed commissioners to fix upon the most eligible place for the seat of justice in the county of Huron; and after having agreed upon the place, they shall make return to the next court of common pleas for the county of Cuyahoga.

EDWARD TIFFIN,
Speaker of the House of Representatives.

THOS. KIRKER,
Speaker of the Senate.

Attest—CARLOS A. NORTON, C. S.
January 29, 1811.



RESOLUTION for distributing the laws and journals.

Resolved by the general assembly of the state of Ohio, That when the laws and journals of the present session are printed, the secretary of state shall immediately transmit to the clerks of the courts of common pleas for the several counties the number of copies as follows :—

To the clerk of the county of Geauga,	40
To the clerk of Trumbull, - -	150
To the clerk of Muskingum, - -	62
To the clerk of Belmont, - -	162
To the clerk of Washington, - -	92
To the clerk of Fairfield, - -	120
To the clerk of Knox, - - -	52
To the clerk of Franklin, - - -	62
To the clerk of Scioto, - - -	62
To the clerk of Highland, - - -	92
To the clerk of Hamilton, - - -	162
To the clerk of Preble, - - -	52
To the clerk of Miami, - - -	60
To the clerk of Green, - - - -	92
To the clerk of Richland, - - -	40
To the clerk of Clinton, - - -	42
To the clerk of Cuyahoga, - - -	42
To the clerk of Fayette, - - -	42
To the clerk of Coshockton, - - -	52
To the clerk of Ashtabula, - - -	50
To the clerk of Portage, - - -	68
To the clerk of Columbiana, - - -	150
To the clerk of Jefferson, - - -	199
To the clerk of Tuskarawas, - - -	42
To the clerk of Gallia, - - -	72
To the clerk of Stark, - - -	43
To the clerk of Athens, - - -	42
To the clerk of Licking, - - -	62
To the clerk of Delaware, - - -	42
To the clerk of Ross, - - -	180
To the clerk of Adams, - - -	150
To the clerk of Clermont, - - -	124
To the clerk of Butler, - - -	137
To the clerk of Montgomery, - - -	82
To the clerk of Champaign, - - -	82
To the clerk of Warren, - - -	137
To the clerk of Wayne, - - -	40
To the clerk of Pickaway, - - -	52
To the clerk of Guernsey, - - -	52
To the clerk of Madison, - - -	42

And such number of journals of both houses as shall be proportioned to the laws.

Resolved, That the number of laws given to the counties of Richland, Wayne, and Clinton, be sent to the clerks of the counties to which they are attached, to be by them delivered to the trustees of the townships within said counties on demand.

Resolved, That the governor of this state be requested to transmit to the executives of the several states, one copy of the laws of the present session.

Resolved, That the secretary of state be requested to forward copies of the laws of the last, and also of the present session of the legislature.

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

Attest—R. OSBORN, C. H. R.

Attest—CARLOS A. NORTON, C. S.

January 30, 1811.



RESOLUTION for amending the constitution of the United States.

WHEREAS his excellency the governor of this state, has laid before this general assembly a resolution, passed by the congress of the United States, in the words following, to wit :—

“ *Resolved by the senate and house of representatives in congress assembled*, (two-thirds of both houses concurring.) That the following section be submitted to the legislatures of the several states, which, when ratified by the legislatures of three-fourths of the states, shall be valid and binding as a part of the constitution of the United States :—

“ If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without consent of congress, accept and retain any present, pension, office, or emolument whatever, from any emperor, king, prince, or foreign power, such per-

son shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them."

THEREFORE,

Resolved unanimously by the general assembly of the state of Ohio, That the foregoing amendment, proposed by congress to the constitution of the United States, be, and the same is hereby (on the part of this state) agreed to, ratified and confirmed.

Resolved, That his excellency the governor be requested to transmit copies of the foregoing resolution to the president of the senate and speaker of the house of representatives, and to each of our senators and representative in congress, and to each of the governors of the several states.

EDWARD TIFFIN,

Speaker of the House of Representatives.

THOS. KIRKER,

Speaker of the Senate.

*Attest—*R. OSBORN, C. H. R.

*Attest—*CARLOS A. NORTON, C. S.

January 29, 1811.

SECRETARY OF STATE'S OFFICE.

ZANESVILLE, OHIO.

I CERTIFY the foregoing laws and resolutions of the general assembly of the state of Ohio, to be correct copies of the original rolls remaining in this office.

Attest—

JEREMIAH McLENE,

Secretary of the state of Ohio.

MARCH 4th, 1811.

Laws of the State,
ORDERED TO BE RE-PRINTED
BY THE LEGISLATURE.

CHAPTER XLIII.

AN ACT against forcible entry and detainer.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That two justices of the peace shall have authority to enquire, by jury, in the manner hereinafter directed, as well against those who make unlawful and forcible entry into lands or tenements, and with a strong hand detain the same, as against those who, having a lawful and peaceable entry into lands or tenements, unlawfully and by force hold the same, and if it be found, upon such enquiry, that an unlawful and forcible entry hath been made, and that the same lands or tenements are held and detained with force and strong hand, or that the same, after a lawful entry, are held unlawfully and with force and strong hand, then such justices shall cause the party complaining to have restitution thereof.

Two justices may enquire by jury and order restitution of lands, &c. unlawfully detained.

SECT. 2. *Be it further enacted,* That when a complaint shall be made, in writing, to any two justices of the peace, of any unlawful and forcible entry, into any lands or tenements and detainer as aforesaid, or if any unlawful or forcible detainer of the same, after a peaceable entry, they shall make out their warrant, under their hands and seals, directed to the sheriff, or in case of his absence or legal disqualification,

Justice on a written complaint how to proceed.

to the coroner of the same county, commanding him to cause to come before them twelve judicious disinterested men of the county, who shall be freeholders in the said county, which warrant shall be in the form following to wit :—

County, ss.

Form of the
warrant.

A B and C D, two of the justices assigned to keep the peace within and for the said county, to the of county, greeting.

Whereas complaint is made to us by E F, of in the county aforesaid, that G H, of upon the day of at aforesaid, with force and arms, and a strong hand, did, unlawfully and forcibly, enter into and upon a tract of land, of him, the said E F, in aforesaid, containing acres, bounded as follows, to wit : (or into the messuage and tenements of him the said E F, as the case may be) and him the said E F, with force and a strong hand, as aforesaid, did expel and unlawfully put out of possession of the same, or, if it is a forcible detainer only, then the entry shall be described and the detainer inserted as follows ; and him the said E F does unlawful, unjustly; and with a strong hand, deforce and still keep out of the possession of the same, you are therefore commanded, on behalf of the state of Ohio, to cause to come before us, upon the day of at in the said county, twelve judicious, disinterested men of the county, who shall be freeholders in the same, to be empannelled and sworn, to enquire into the forcible entry and detainer, or the detainer only, before described. Given under our hands and seals, the day of in the year

A B, } Justices of
C D, } the peace.

SECT. 3. *Be it further enacted,* That it shall

Justices to issue summons to the party complained of.

How to be served.

Jury to be empannelled

Oaths of the jurors,

When to return a general verdict.

When a special verdict.

Form of the writ of restitution.

be the duty of the justices, at the time they issue their warrant, to issue their summons to the party complained against, which summons shall state the cause of complaint, and the time and place of trial; the summons shall be served upon the party complained against, or a copy thereof left at his usual place of abode, at least seven days before the day appointed by the justices for the trial, and if, after the service of such summons, the party do not appear to defend, the justices shall proceed to the enquiry in the same manner as if he were present, and when the jury shall appear, they shall be empannelled to enquire into the entry or forcible detainer complained of, and the justices shall lay before the jury the exhibited complaint and administer an oath or affirmation to the foreman and the other jurors, to well and truly try whether the complaint of E F, now laid before them, is true, according to evidence, and if the jury shall find no part of the same true, they shall return a general verdict of not guilty; and it shall be the duty of the justices to render up judgment against the complainant, and thereupon tax the bill of costs and issue execution against the said complainant, returnable in twenty days, and if the jury shall find the same true, they shall return a general verdict of guilty, or they shall return a special verdict for such part as they do find true, and the justices shall render up judgment for the complainant, to have restitution of the premises and costs, and shall award their writ of restitution accordingly, which writ of restitution shall be in the form following, to wit:—

County, ss.

A B and C D, two of the justices assigned to keep the peace, in and for the said county, to the of county, greeting:

Whereas at a court of enquiry of forcible entry and detainer, (or an unlawful and forcible detainer, as the case may be) held before us at in the said county of upon the day of in the year

the jurors empanelled and sworn according to law, did return their verdict of guilty, whereupon it was considered by us, that the said E F should have restitution of the premises described in his complaint, (or any particular part thereof, as the case may be) we therefore require you, that taking with you the force of the county, if necessary, you cause the said G H to be forthwith removed from the premises, and the said E F to have the peaceable restitution of the same, and also that you levy of the goods, chattels or lands of the said G H, the sum of being costs taxed against him on the trial aforesaid, together with more for this writ, and satisfy yourself your legal fees; and for want of such goods, chattels or lands of the said G H, by you found, you are commanded to take the body of the said G H, and him commit to the common jail of the said county, there to remain until he shall pay the sum aforesaid, together with all fees arising on the service of this writ, or until he be discharged by due course of law, and make return of this writ, with your proceedings thereon, within twenty days from the date.

Witness our hands and seals, at aforesaid, the day of in the year

A B. } Justices of
C D, } the peace.

SECT. 4. *Be it further enacted,* That if by accident or challenge, on the day assigned for is incomplete, to or coroner, as the case may be, shall fill the ^{summons} ^{talesmen.}

panel with talesmen as in other cases : *Provided*, they have the qualifications required by this act.

No appeal allowed.

SECT. 5. *Be it further enacted*, That no appeal shall be allowed from the judgment of the justices : *Provided nevertheless*, That the proceedings may be removed by *certiorari*, into the court of common pleas, holden in such county, and be there quashed for irregularity, if such there be ; nor shall such judgment be a bar to any after action, brought by either party.

Proviso.

Removal by certiorari,

This law not to effect 3 years quiet possession.

SECT. 6. *Be it further enacted*, That nothing in this act contained, shall be construed to extend to any person, who hath had the occupation or quiet possession of any lands or tenements, for the space of three whole years together next before, and whose estate therein is not ended or determined.

Repealing clause.

SECT. 7. *Be it further enacted*, That a law against forcible entry and detainer, adopted from the Massachusetts code, and published at Cincinnati the fourteenth day of July, one thousand seven hundred and ninety-five, be, and the same is hereby repealed.

Commencement.

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

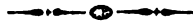
MICHAEL BALDWIN,

Speaker of the House of Representatives.

DANIEL SYMMES,

Speaker of the Senate.

February 2, 1805.



CHAPTER XLIV.

AN ACT, directing the mode of proceeding against collectors in certain cases.

Supreme court how to proceed, &c.

SECT. 1. *Be it enacted by the general assembly of the state of Ohio*, That when any cause has or may be brought before the supreme court

Between the auditor of the state and any sheriff or collector or their sureties, by a writ of *certiorari*, allowed by the supreme court or one of the judges thereof, for the recovery of taxes due the state from said sheriff or collector, and when it appears that so many of the judges of the court of common pleas are a party or in such way interested as to prevent a quorum, that then the judges of the supreme court shall cause execution to issue and be returnable against said sheriff or collector or his sureties, as the case may be, in the same manner and under the same regulations that the law authorises the court of common pleas to proceed in similar cases.

When the judges of com. pleas are concerned.

SECT. 2. *And be it further enacted*, That this act shall take effect and be in force from and after the passage thereof.

Commencement.

JOHN SLOANE,
Speaker of the House of Representatives.
JAMES PRITCHARD,
Speaker of the Senate.

December 12, 1805.

CHAPTER XLV.

AN ACT prescribing the manner of contesting elections for governor.

SECT. 1 *Be it enacted by the general assembly of the state of Ohio*, That after the returns for governor from the several counties within this state, are opened and published by the speaker of the senate, agreeably to the second section of the second article of the constitution, any candidate or elector being desirous of contesting the election of the person declared elected, shall, within two days, file a notice of such

Returns, when opened.

Contestor to give notice. &c.

his intention with the clerk of the senate, specifying the particular points on which he means to rely.

The two houses to determine the contest, &c.

Copy of notice, when and how to be served.

On trial of contest, what evidence may be introduced.

Rules to be observed.

SECT. 2. *Be it further enacted*, That upon such notice being filed as aforesaid, the two houses shall, by joint resolution, determine on what day they will meet in the representatives' chamber in order to hear and determine the said contest; and thereupon a certified copy of the notice filed by the contestor, shall be served upon the governor elect, or by leaving a copy thereof at his last place of residence, by such person as by resolution shall be appointed, with a notice when he is required to attend in the representatives' chamber, in order to answer the contest.

SECT. 3. *Be it further enacted*, That on the trial of any contested election for governor, the parties to such contest, may introduce either written or oral testimony, but no depositions shall be read on such trial, unless the opposite party shall have had reasonable notice of the time and place of taking the same.

SECT. 4. *Be it further enacted*, That in conducting any contested election for governor, the following rules shall be observed, to wit:—

1. On the day, and at the hour appointed for that purpose, the senate and house of representatives, with their clerks, shall attend in the representatives' chamber.

2. When the speaker of the senate is not the acting governor, he shall preside; but when he is the acting governor, a candidate, or contestor, the speaker of the house of representatives shall preside.

3. The parties to the contest shall then be called by the clerk of the house of representatives; and if they answer, their appearance shall be recorded.

4. The contestor shall first introduce his tes-

timony, and then the governor elect shall introduce his, and after the testimony is gone through on both sides, the contestor may, by himself or his counsel, open the contest ; the governor elect may then proceed by himself or counsel, to make his defence, and the contestor be heard in reply.

5. After the arguments are thus gone through by the parties, any member of either house shall be at liberty to offer the reasons for the vote he intends to give.

6. When the speaker of the senate presides, the two houses shall be governed in their debates by the standing rules of the senate ; and when the speaker of the house of representatives presides, the two houses shall be governed by the standing rules of the house of representatives.

7. The clerk of each house shall keep a regular journal of the proceedings.

8. The manner of taking the decisions shall be by an alphabetical call of the members by the clerk of each house ; first the senate, and then the house of representatives, and a majority of all the votes given, shall decide ; the speaker of the senate, when acting as governor, a candidate, or contestor, not being permitted to vote.

Continued.

9. The two houses met as aforesaid, shall have liberty to adjourn from time to time, as may be thought necessary.

SECT. 5. *Be it further enacted*, That any candidate, or elector, being desirous to contest the election of the present governor elect, shall file with the clerk of the senate, within two days after the passage of this law, a specification of the points upon which they intend to rely in the contest, which contest shall be conducted in the same manner as by this act future contests are to be conducted.

Special provision for a contest, &c

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

P. BEECHER,

Speaker of the House of Representatives.

THOS KIRKER,

December 23, 1807. *Speaker of the Senate.*

CHAPTER XLVI.

AN ACT appointing notaries public.

SECT 1. *Be it enacted by the general assembly of the state of Ohio,* That there shall be appointed and commissioned, by the governor of

Four notaries public to be appointed by the governor, their place of residence.

this state, four notaries public, viz. one to reside in the town of Cincinnati, one in the town of Chillicothe, one in the town of Marietta, and one in the town of Steubenville; and upon the death, resignation, or removal of any such notaries public, to appoint others in his or their room; which said notaries public shall hold their respective offices during three years, if he so long behaves well; shall use, exercise the said office of notary public for such places as by their commissions shall be directed, to whose protestations, attestations and other instruments of publication, due credence is hereby given: *Provided nevertheless,* That every notary public shall, previous to his executing the said office, give bond to the governor for the time being, in the penalty of fifteen hundred dollars, conditioned for the due discharge of his office and take an oath or affirmation, that he will, without favor or partiality, honestly, diligently and faithfully discharge the duties of notary public.

Term of office.

Proviso.

To give bond and take an oath.

SECT. 2. *Be it further enacted,* That every notary public shall provide a public notarial seal,

To provide a seal. Seal, &c. exempt from seizure.

with which he shall authenticate all his official acts; on which seal shall be engraved the arms of this state and place of his office; which seal,

together with the registers & official documents, shall not be liable to be seized on execution for debt or any demand; but in case of the death or removal of said notary, be lodged in the office of the recorder of deeds in the respective county.

SECT. 3. *And be it further enacted,* That every notary public shall and may demand and receive for every attestation, protestation, under his seal of office, the sum of one dollar and no more, and for recording, in a book to be kept for that purpose, each attestation, protestation, and all other instruments of publication, the sum of one dollar, and no more. His fees.

This act shall take effect from and after the passage thereof. Commence-
ment.

ALEXANDER CAMPBELL,
Speaker of the House of Representatives.
THOMAS KIRKER,
Speaker of the Senate.

February 20, 1809.

CHAPTER XLVII.

AN ACT to amend the act, entitled "an act regulating black and mulatto persons."

SECT. 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 Negro or mulatto persons not permitted to settle in this state without giving bond
Penalty and condition thereof.

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

On failure, the overseers of the poor, their duty.

Clerk to file bond, &c.

His compensation.

SECT. 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.

Penalty on persons harboring or secreting negro or mulatto persons.

SECT. 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 offence, 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.

SECT. 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.

SECT. 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.

Repealing clause.

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

Commencement.

ABRAHAM SHEPHERD,

Speaker of the House of Representatives.

THOMAS KIRKER,

Speaker of the Senate.

January 25, 1807.



CHAPTER XLVIII.

AN ACT to amend the act, entitled "an act regulating county levies."

SECT. 1. *Be it enacted by the general assembly of the state of Ohio,* That the commissioners, in each and every county in this state, are hereby authorised to determine at their annual meeting in June, whether the county levy, in their respective counties, shall be collected by a county collector or the lister in each township, and in case they should determine to collect by county, they shall appoint a collector accordingly, and in making out their duplicates they shall be governed thereby, and in all cases they shall deliver to the collector or collectors their proper duplicates, on or before the first Monday of August, annually, from which time the collectors shall respectively proceed to collect.

Commissioners at their annual meeting in June to determine how county levy is to be collected.

Duplicates when to be delivered.

SECT. 2. *Be it further enacted,* That when any town lot or part of lot shall hereafter be

Collector to give a certificate and make a deed for town lots sold, &c.

sold for the tax due thereon, the collector who made the sale shall give the purchaser a certificate, describing particularly the number of such lot and the quantity sold, which shall in all cases begin at one side of the lot and extend from the front back, parallel to the out line of the lot, and at any time thereafter make a deed therefor, which shall in all cases vest the purchaser with a title as good as that by which the lot was held at the time of sale.

Compensation to listers and appraisers.

SECT. 3. *Be it further enacted,* That the commissioners in each and every county in this state, shall allow the listers and appraisers, in their respective counties or townships, a sum not exceeding one dollar and twenty five cents per day, for each day they may be employed in listing, appraising and making out duplicates for their respective townships.

Repealing clause.

SECT. 4. *And be it further enacted* That so much of the before recited act, as comes within the purview of or is contrary to this act, be, and the same is hereby repealed.

Commencement.

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

JOHN SLOANE,

Speaker of the House of Representatives.

JAMES PRITCHARD,

Speaker of the Senate.

January 27, 1806.

REPORT

OF AUDITOR OF STATE, 1810.

As a duty assigned to the Auditor, by the third section of the "act defining the duties of Auditor and Treasurer of State," I ask permission to exhibit the following report of the state of the revenue, for the year ending on the third day of this instant, for the inspection of the honorable legislature now sitting in Zanesville.

The total number of acres of land, charged with tax, within the different collection districts, for the year 1810, as the property of non-resident proprietors, including new entries, not heretofore subject to tax, is 6,363,786 3-4

The total number of acres of land, returned to this office by the commissioners of the several counties, under the 60th section of the "act levying a tax on land," & charged with tax for the year 1810, as the property of resident proprietors, is 4,088,608 1-4

Total number of acres, 10,452,395

The amount of tax charged on the aforesaid lands of non-resident proprietors within the different collection districts, including new entries not heretofore charged with tax, is \$ 55,316 90 7

The aggregate amount of tax charged on the aforesaid lands, of resident proprietors, within the different counties, as per the county commissioners' returns, is \$ 37,385 86 4

Total amount of tax charged and returned to this office, for the year 1810, as will appear in schedule marked A, is \$ 92,702 77 1

Deduct collection fees on \$ 55,316 90 7, at 4 per cent. being the amount of tax charged on lands of non-resident proprietors, as above, \$ 2,212 67 6

Deduct the resident collectors' fees on \$ 37,385 86 4, at 6 per cent. being the amount of tax charged on lands of resident proprietors, and returned to this office as above, \$ 2,243 15 1

Deduct the non-resident collectors' fees on \$ 5,142 71 3 dolls. at 4 per cent. being the amount to be paid over by the resident collectors, to the non-resident collectors, as required by law, \$ 1,405 70 8—5,861 53 5

Nett amount of tax exclusive of defalcation, is \$ 86,841 23 6

Deduct one third of the above sum of 86,841 23 6 dolls. for county purposes, agreeably to the 20th section of the act "levying a tax on land," which will leave for the use of the state, the sum of \$ 57,894 15 8

The above calculations being made from the charges only, the amount will in all probability be considerably diminished, when the defalcations are known; therefore, the nett balance of revenue, on which the honorable legislature ought to rely, cannot be correctly ascertained, untill the returns of the different collectors exhibit the amount of defalcations, and must therefore be left to a future report for your consideration.

The amount of bills redeemable at the treasury, issued between the 20th day of November, 1809, and the 3d day of December, 1810, is Dolls. 35,818 42

The principal sums paid out of the treasury, on account of

N

The loan from the three per cent. fund, agreeably to the "act authorising the treasurer of state to refund the sum borrowed out of the three per cent. fund," passed on the 23d day of December, 1809, is

Dolls. 9,000 00

Interest paid thereon, at 6 per cent. from the 20th day of February, 1809, to the 5th day of January, 1810, is

472 50

The total amount of expenditures, for the last year, ending on the third day of this instant, inclusive, is

Dolls. 45,290 92

The amount of audited bills, redeemed at the treasury, and deposited in the office by the state treasurer, between the 20th day of November, 1809, and the first Monday of this instant, including the interest thereon, is

Dolls. 25,499 92 6

In consequence of the want of proper returns being made to this office by some of the county commissioners, as required by the 50th section of the "act levying a tax on land," I have not been enabled to make so full a report as could have been desired; but must necessarily omit that portion of the revenue, although it ought to have been returned in time to have been added to the foregoing amounts, as the commissioners of those counties from which returns have not been received, have been notified of the necessity of making their proper returns. It is probable that they may yet be received in time to be included in the present year's revenue. In schedule marked A, those counties from which returns have been received, will be seen.

The necessity of collecting all monies due to the state, I presume, will be a sufficient apology to justify me in observing, that several counties are at this time indebted to the state treasury for considerable sums; and hitherto no method has been pointed out, by which the state could enforce the collection of such dues. But as all taxes are, under the existing law, paid into the hands of the district collectors such sums as appear to be due to the state treasury, may be retained out of the proportion, that would otherwise be payable to such counties, and direct the same to be paid into the state treasury out of the present year's collection; provided, the honourable legislature should think it expedient; and take up the subject, and pass a law to that effect in the early part of the present session.

A defect presents itself in the existing act "levying a tax on land," inasmuch as it does not fully authorise the collector, for the time being, to make deeds for lands heretofore sold for taxes. A provision to that effect, I presume, would be a proper subject for the consideration of your honorable body.

By comparing the foregoing with the report from this office, for the year 1809, it may be discovered, that the amount of revenue has been considerably augmented within the last year; and, unless the defalcation should exceed all reasonable limits of calculation, I flatter myself that the treasury will, not only be enabled to redeem all state bills now in circulation, but also to discharge the whole expences, which may probably accrue during the present session.

In taking a prospective view of the finances of our young and rising state, I cannot forbear congratulating the honorable legislature on the prospect of our united and indefatigable labors being shortly crowned with the desired success. Under the existing laws, relating to the state revenue, with due diligence in the officers concerned in controuling or collecting the same, I have the most sanguine prospect of beholding, at the expiration of another year, our hitherto embarrassed and exhausted treasury, sufficiently replenished to meet all the ordinary expences of government.

With all due deference, I have the honor to be, your humble servant,

BENJAMIN HOUGH, Auditor.

December 5, 1810.

[A.]
 A STATEMENT
 OF THE LANDS CHARGED WITH TAX, FOR THE YEAR 1816, EXHIBITING THE AMOUNT OF TAX
 CHARGED WITHIN EACH COUNTY AND COLLECTION DISTRICT.

NAMES OF COUNTIES.	ACRES AND RATES.					AMOUNT OF TAX.		
	1st RATE.	2d RATE.	3d RATE.	D.	C.	M.		
Hamilton, residents.	11,964	134,808	81,032	2,026	57	6		
Butler,	10,271	99,155	17,262	1,232	17	6		
Montgomery,	7,392 1-2	93,544 1-2	21,133	1,166	36	5		
Preble,	814	10,842	7,398	166	68	4		
Miami,	2,985	29,167	1,779 3-4	340	53	5		
Ross,	24,533	203,076	167,240	3,439	17			
Adams,	1,591 1-2	76,016 1-4	84,244	1,327	63	7		
Scioto,	1,074	21,966	19,079	475	77	3		
Clermont,	1,428 1-2	137,457 1-2	61,732	1,793	51	5		
Clinton,	63	28,492	18,875	408	40			
Pickaway,	2,434	71,104	20,998	878	50			
Franklin,	9,131	70,055	55,710	1,176	78			
Fayette,		17,666	7,008	222	21			
Champaign,	4,143	67,525	11,019	798	66	2		
Madison,		22,934	20,897	365	17			
Warren,	8,204	123,222	23,459	1,552	29	6		
Highland,	857	77,225	29,851	976	98	7		
Delaware,		38,302	24,057	540	40	8		
Fairfield,				1,478	78			
Green,	2 748	119,413	56,105	1,463	16	2		
Washington,	2,723	11,047	209,837	1,511	42	5		
Athens,	168	3,258	32,808	247	92			

NAMES OF COUNTIES.	ACRES AND RATES.			3d Rate.	AMOUNT OF TAX.		
	1st Rate.	2d Rate.			D.	C.	M.
Callia, residents.	768 1-4	24,888 1-4		31,875 3-4	465	67	8
Cuernsey,	150 3-4	9,848		19,174	224	99	
Tusharawas,		18,672		16,367 1-2	293	85	
Licking,	1,087	34,419		55,949	721	45	
Knox,	1,438	23,881		16,858	366	36	2
Washington,	3,083	32,591		65,459	799	92	5
Jefferson,	4,233	117,102		87,669	1,802	96	4
Belmont,	1,111	95,308		26,805	1,141	19	5
Columbiana,	493	196,385		36,502	2,207	28	7
Stark,		22,778 3-4		1,118	235	05	6
Geauga,		8,605		100,862	741	53	
Cuyahoga,	10	19,846		15,484	299	23	2
Trumbull,	40	6,771		313,092 1-4	2,013	31	2
Portage,		304		156,605	1,020	82	
Amount of resident lands,	105,612 1-2	2,067,651 1-4		1,915,344 1-2	37,385	86	4
Districts.							
1st District, non-residents.	2,212	71,647		11,063	1,347	04	8
2d District,	13,008 1-2	1,375,709		535,096	21,744	74	
3d District,	5,087	35,944		661,356	4,730	04	9
4th District,	7,143	281,819 1-2		298,268 3-4	5,298	77	9
5th District,	1,322	73,405 1-2		16,101	1,007	29	6
6th District,		409,825 1-2		2,624,789	17,090	72	4
New entries,					4,098	27	1
Non-resident lands,	28,772 1-2	2,248,350 1-2		4,086,663 3-4	55,516	90	7
Total quantity of lands,	134,385	4,316,001 3-4		6,002,008 1-4	92,702	77	1

REPORT.

THE TREASURER OF THE STATE OF OHIO
TO THE SAID STATE.

CR.

	DR.		Contra,		CR.		
D.	C. M.	D.	C. M.	D.	C. M.		
To balance of cash remaining in the treasury on the fourth day of December, 1809, as reported to the general assembly at their last session,	0	22	3	By cash paid to the three per cent. fund on the 5th day of January, 1810,	9,472	50	0
To amount of taxes, &c. received at the treasury from the fourth day of December, 1809, to the third day of December, 1810,	34,494	33	8	By audited certificates received at the treasury in part payment of taxes from the 4th day of December, 1809, to the 3d day of Dec. 1810,	14,743	38	0
				By interest on the same,	267	77	9
				By audited certificates redeemed at the treasury with cash, from the 4th day of December, 1809, to the 3d day of December, 1810,	9,873	20	0
				By interest on the same,	137	00	1
				By balance of cash remaining in the treasury on the 3d day of December, 1810.	0	70	1
To balance as per contra,	\$0	70	1	\$34,494	56	1	

(117)

To the Honorable the General Assembly of the state of Ohio.

THE above is a statement of the receipts and payments of the public money for one year, ending the third instant, which is respectfully submitted.

WM. M'FARLAND, *State Treasurer.*

TREASURER'S OFFICE, ZANESVILLE, 5th December 1810.

TABLE OF CONTENTS OF VOLUME IX.

	<i>Page.</i>
An act directing the treasurer of state to transmit to the secretary of the treasury of the United States, an account of the application of the three per cent. fund.	3
An act, supplementary to the act levying a tax on land.	<i>ibid.</i>
An act making a temporary appropriation of money for certain purposes.	7
An act regulating mill-dams on the Little Miami river.	8
An act to amend the act entitled "an act to raise money by way of lottery, to improve the navigation of the Cuyahoga and Muskingum rivers."	9
An act to remove the seat of justice in the county of Dark.	10
An act providing for the relief and support of women who may be abandoned by their husbands, and for other purposes.	13
An act exempting certain lands from taxation.	17
An act authorising the secretary, treasury, and auditor of state, to contract with printers in certain cases.	18
An act regulating the practice of physic and surgery.	19
An act to amend the act, entitled "an act for the navigation of Hockhocking."	24
An act to amend the act, entitled "an act making further appropriation of the three per cent. fund, granted by the United States for laying out, opening, and making roads in this state, passed the twentieth day of February, one thousand eight hundred and ten.	25
An act to alter the west line of Cuyahoga, the east line of Huron, and to establish a west line to Portage county.	27
An act authorising the trustees of the town of West Union, to sell and convey certain public lots in said town, and for other purposes.	28
An act investing the disposition and management of lands (therein mentioned) in a board of trustees, under the title of The Trustees of Granville Religious and Literary Society, and for other purposes.	30
An act for the organization of the county of Coshockton,	32
An act for regulating measures.	33
An act securing the benefit of the writ of Habeas Corpus.	34
An act for the establishment of an academy at Steubenville.	39
An act for the organization of the county of Ashtabula.	42
An act to amend the act, entitled an act to authorise the town council of Marietta to grant permanent leases of section No. sixteen, in said town.	44
An act supplementary to the act respecting crimes and punishments.	45

An act to amend the act defining the duties of the auditor and treasurer of state.	47
An act to incorporate the Farmers' Manufacturing Company of Little Miami.	48
An act authorising John Lawrence Lewis, and others, to build a toll-bridge across the river Hocktocking.	50
An act to incorporate the town of Athens, and for other purposes.	53
An act to incorporate the Gallia academy, in Gallipolis.	57
An act to amend the act, entitled "an act amendatory to the several acts appointing trustees to the Ohio University, and for other purposes," passed February fifteenth, one thousand eight hundred and nine.	63
An act for the relief of Zenas Pelton.	64
An act to amend the act, entitled "an act for the laying out and leasing section number sixteen, in fractional township number four, second fractional range of the townships in the Miami purchase."	<i>ibid.</i>
An act to regulate the navigation of the Great Miami river and its main branches.	65
An act to amend the act, entitled "an act for regulating roads and highways."	67
An act for the relief of David Phouts.	68
An act regulating the times of holding judicial courts.	70
An act authorising Daniel Sheehy, and Jane, his wife, in conjunction with other persons therein named, to convey in fee simple, certain lands.	75
An act requiring owners and occupiers of salt works and wells to inclose the same.	76
An act authorising the proprietor of Elizabeth-town, in the county of Fairfield, to alter or vacate the same.	77
An act for the relief of bail in certain cases.	78
An act to amend the act, entitled "an act for disciplining the militia."	79
An act vacating part of the town of Tuskarawas, and changing the name thereof.	85
An act making appropriations for the year one thousand eight hundred and eleven.	87
LAWS ORDERED TO BE REPRINTED.	
An act against forcible entry and detainer.	100
An act directing the mode of proceeding against collectors in certain cases.	104
An act prescribing the manner of contesting elections for governor.	105

An act appointing notaries public.	108
An act to amend the act entitled "an act regulating black and mulatto persons."	109
An act to amend the act entitled "an act regulating county levies.	111

RESOLUTIONS.

A resolution instructing our representation in congress to use their best endeavors to procure an extension of the time for the payment of public lands, in certain cases.	90
A resolution directing the door-keepers to take charge of and the clerks to make out an inventory of certain property, &c.	91
A resolution directing the secretary of state to make out an index to the laws.	92
A resolution appointing commissioners to fix the seat of justice of Wayne county.	<i>ibid.</i>
A resolution for having certain acts re-printed and annexed to the laws of the present session.	93
A resolution for printing the militia laws and distributing the same.	<i>ibid.</i>
A resolution appointing commissioners to fix the seat of justice in Madison county.	94
A resolution for the appointment of commissioners, agreeably to the provisions of the act, entitled an act to amend the act making further appropriation of the three per cent. fund, granted by the United States, for laying out, opening, and making roads within this state, passed the twentieth day of February, one thousand eight hundred and ten.	95
A resolution approving the measures of the general government.	<i>ibid.</i>
A resolution for the appointment of commissioners to fix the seat of justice in the county of Huron.	96
A resolution for distributing the laws and journals.	<i>ibid.</i>
A resolution for amending the constitution of the United States.	98
Reports of Auditor and Treasurer.	113

INDEX

TO ALL THE LAWS NOW IN FORCE IN THE STATE OF OHIO.

	V.	P.
ACADEMY.		
Of Dayton incorporated	6	17
Of Worthington incorporated,	6	51
Of Chillicothe incorporated,	6	156
Of New-Lisbon incorporated,	8	26
Of Gallipolis incorporated,	9	57
ABATEMENT.		
Where two or more plaintiffs or defendants, party to any suit, dying, executor, &c. empowered to prosecute or defend the same,	8	271
Suits not to abate by the death of one party if the cause of action survive,	—	272
ASHTAEULA.		
County erected,	6	4
Part thereof attached to Trumbull,	7	143
Organized,	9	42
ARSON. See crimes and punishments.		
AGENTS.		
Nathaniel Beasley, for the heirs of John Beasley, deceased,	6	8
Daniel Evans & others, for the heirs of James Trimble, dec'd.	5	84
Daniel Stewart, for the heirs of Jédediah Ensworth, dec'd.	6	50
Amos Evans and G. Wilson, for the heirs of John Wilson, dec'd.	7	105
ATTACHMENT.		
Writs allowed on oath,	8	123
Manner of executing writ,	—	<i>ib.</i>
Property to remain in hands of officer, except bond be given,	—	128
Duty of officer to summon garnishee, in certain cases,	—	125
Property attached, claimed by another, a jury to be summoned, &c.	—	127
Auditors to be appointed,	—	<i>ib.</i>
Their duty to issue warrant, summons for witnesses, &c.	—	128
To sell property by order of court,	—	131
And make distribution of proceeds among creditors, &c.	—	132
Sales and conveyances made by them binding,	—	133
Debts not due may be admitted, and how,	—	<i>ib.</i>
Property of non-resident may be attached and sold after three months notice given,	—	<i>ib.</i>
When lands lie in more counties than one,	—	134
When two or more debtors jointly bound, attachment may issue jointly or separately,	—	<i>ib.</i>
On death of non-resident debtor, writ may issue against his heirs, &c.	—	135
Non-resident creditors entitled to the benefits of this act,	—	<i>ib.</i>
Plaintiff to give bond previous to receiving any dividend,	—	<i>ib.</i>
Compensation to auditors,	—	<i>ib.</i>
Plaintiff not allowed to discontinue suit in certain cases,	—	<i>ib.</i>
Consignee not to be prejudiced by levy,	—	136

INDEX.

	V.	P.
Justices may issue for any sum cognizable before them,	8	136
Proceeding on attachment issued from justice,		<i>ib.</i>
Superceded by attachment issued by court,	—	137
Justice may issue against lands,	—	138
Proceedings thereon,		<i>ib.</i>
ADMINISTRATORS and Executors.		
Letters of administration granted by court,	—	153
Power and duty of administrators,	—	154
To give bond and take an oath,	—	155
How removed for misconduct,	—	158
Coming from another state, producing proof of his appointment may have authority from court to sell property,	—	161
May be authorised by court to sell lands purchased of the United States, and not paid for,	—	164
How to proceed thereon,		<i>ib.</i>
May be sued on bond given by them to court,	—	258
On death of a party to prosecute or defend suit,	—	271
On being served with <i>scire facias</i> and refusing to prosecute, court to render judgment against estate of deceased,	—	272
Executors entitled to probate of wills,	—	151
Executors refusing to act, how to proceed,		<i>ib.</i>
Form of oath,		<i>ib.</i>
Power of executor before probate,	—	152
Their duty after paying debts, to assign to the widow her dower,	—	157
Their compensation,		<i>ib.</i>
ALIENS.		
May hold lands in this state,	—	258
How to become citizens. See naturalization.		
ASSAULT and Battery.		
See crimes and punishments,		
AUDITOR of State.		
His duty on receiving duplicate from county commissioners,	—	319
To make out a duplicate for each collection district, and forward to the county clerk where he resides, by the first of September, annually,	—	323
To procure copies of entries, &c.	—	330
To refund money improperly paid for taxes,		<i>ib.</i>
To enter lands, second rate, in certain cases,	—	331
To prosecute delinquent collectors,	—	338
To receive lists of lands from non-residents,		<i>ib.</i>
To make abstracts of certain lands and compare them with duplicate received from county commissioners,	—	339
To give bond to governor,	—	388
To publish extracts from the act levying a tax on land,	—	341
To audit accounts and issue bills,	—	388
To make report and submit his books to inspection of the legislature,	—	389
For neglect of duty how proceeded against,	—	392
His salary, to be paid quarter yearly,		<i>ib.</i>
To give copies of entries to persons applying,	—	393
In making apportionment of tax, payable to counties, to deduct the sum due to the state,	9	4
To have and use a seal of office,	9	47

INDEX.

APPEAL.	V.	P.
Allowed from justice to court in case of trespassing animals,	8	430
Allowed from magistrates to court com. pleas in 15 days,	—	521
Appellant may carry up transcript if appellee neglects to do so,	—	523
Allowed from com. pleas to supreme court in chancery,	—	191
At law,	—	275
Bond for appeal to be given in thirty days,	—	<i>ib.</i>
Supervisor may appeal from judgment of township trustees,	—	583
From county commissioners to com. pleas in case of taxes,	—	466
Also, in case of roads,	—	575
In case of ferries, tavern or stores,	—	114
ADAMS County.		
County erected,	5	154
Permanent seat of justice established,	1	156
Line thereof altered,	5	156
ARBITRATIONS.		
Causes may be submitted to and made a rule of court by parties entering into bond for that purpose,	8	457
Witnesses, how compelled to attend,	—	558
Award to be in writing,	—	559
A copy of award to be delivered to each party,	—	<i>ib.</i>
How award to be enforced,	—	<i>ib.</i>
How and for what set aside,	—	<i>ib.</i>
ATHENS County.		
Erected,	3	283
Line of altered,	6	149
Further alteration of boundaries,	5	103
Treasurer to receive certain monies from the treasurer of Washington county,	5	126
Town of incorporated,	9	53
ATTORNIES and Counsellors at Law.		
To be examined by judges of supreme court, before admitted to practise,	8	83
To prove their residence, character, &c.	—	84
Must be a citizen of the United States,	—	85
May be suspended by court for misconduct,	—	84
For neglect of duty, failing to pay over money, &c. how dealt with,	—	85
Not to receive money without an order,	—	<i>ib.</i>
Prosecuting attorneys, by whom appointed and how paid,	—	168
Their duty,	—	297
May challenge jurors,	—	368
BRIDGE Toll.		
Certain persons authorized to erect one across Little Beaver,	7	154
H. Fullerton and N. Massie authorized to erect one across Scioto river at Chillicothe,	8	239
C. King and others authorized to erect one across Hockhocking at New-Lancaster,	7	158
Supplement to act,	8	170
Money to be raised by lottery to erect one across the Great Miami river, at the town of Fry,	—	226
A. Cooley and others authorized to erect one across Hockhocking, in Ohio Company's purchase,	—	256
John L. Lewis and others authorised to erect one across Hock-		

INDEX.

	V.	P.
hocking, near the town of Athens,	9	50
John McIntire and others authorised to erect one across Muskingum, at the mouth of Licking. See territorial law,	3	212
Z. A. Beaty & Co. authorised to erect one across Will's Creek. See territorial law,	3	209
BELMONT. County erected.	5	157
BIGAMY. See crimes, &c.		
BREACH of the peace. See crimes, &c.		
BRIBERY. See crimes, &c.		
BURGLARY. See crimes, &c.		
BAIL—an act for the relief of in certain cases,	9	78
BAIL BONDS—how made and assigned,	8	396
BUTLER—County, the seat of justice established,	1	28
The lines of established,	6	10
Erected,	3	303
BURK Hannah, an act for the relief of,	5	89
BURNET William, deceased, the trustees named in his last will authorised to sell certain lands. See territorial law,	3	241
BANK of Marietta—the stockholders incorporated,	6	41
Stockholders of the bank of Chillicothe incorporated,	6	83
Supplement to act of incorporation,	7	68
Stockholders of the bank of Steubenville incorporated,	7	169
BARROWS Henry, an act for the relief of,	6	151
BOARDMAN town, proprietors of authorised to vacate part thereof,	7	68
BASTARDS, an act for the support of,	8	412
Proceedings thereon,	—	413
BOUNDARIES of counties how ascertained,	—	438
BLACK and mulatto persons regulated,	—	469
Amendment thereto,	9	109
CONSTITUTION—of the United States, with its amendments,	—	627
Of the state of Ohio,	—	19
COUNTY COMMISSIONERS,		
How and when elected,	—	43
Their continuance in office,	—	<i>ib.</i>
Vacancies, how filled,	—	44
To receive a certificate of their being elected from county clerk,	—	<i>ib.</i>
Contested elections, how decided,	—	<i>ib.</i>
Each commissioner to take an oath,	—	45
To meet on the first Monday of June, annually,	9	111
To appoint a clerk,	8	45
His duty and compensation,	—	<i>ib.</i>
Power and duty of commissioners in general,	—	46
To lay their proceedings before the court of com pleas, annually,	—	47
Compensation of and how settled,	—	<i>ib.</i>
Penalty for misconduct in office,	—	48
to sue for and recover money due to the county,	—	<i>ib.</i>
to procure a place for holding courts in certain cases,	—	49
to erect public buildings, &c.	—	50
to fix rates of ferries, taverns and stores,	—	112
to lay out new and alter old townships,	—	241
to make out two duplicates of land tax, one for auditor and one for collector,	—	318

INDEX.

	V.	P.
To appoint a collector for the county, or one for each township, at their discretion,	8	319
May release persons committed for fines, and unable to pay, from prison,	9	46
Further duty of commissioners. See roads and highways.		
Their duty after settlement is made with collectors,	8	320
To procure a standard measure for their county, and appoint a person to keep the same,	9	33
CRIMINALS IN CUSTODY,		
May notify sheriff to call a court	8	295
Proceedings when met,		<i>ib.</i>
CHAMPAIGN. County erected,	3	285
COLUMBIANA. County erected,	3	308
CLERKS.		
To be appointed by the respective courts,	8	169
To give bond and take an oath,	—	261
Their duty in distributing laws and journals,	—	587
To make out a list of licenses for the grand jury,	—	113
To issue marriage licenses,	—	121
Duty on receiving district duplicate from the auditor,	—	326
To take bond in granting certiorari,	—	522
Injuring persons under colour of office, how to be punished,	—	545
To issue subpoenas after appeal is taken from common pleas,	—	276
To make out issue docket & issue subpoenas 9 days before court,	—	293
To make out a copy of issue docket for court,		<i>ib.</i>
To make up a complete record of each case in vacation,	—	294
To keep an execution docket,	—	295
To make apportionment of jurors in each township and deliver it to sheriff,	—	301
To keep his office at the seat of justice,	—	313
How appointed pro tempore,	—	314
To administer oaths, &c.		<i>ib.</i>
CLARKE James Innis, confirmed in five shares of the Ohio Company's Purchase,	5	112
CUYAHOGA. County erected,	6	5
Organized,	8	34
West line altered,	9	28
COLLITE John and M. Blair, act for the relief of,	7	163
CONTRACTS Real.		
May be completed by survivor after the death of one party on application to court,	8	30
In case of minors, executors or administrators may petition, &c.	8	31
Heirs or guardians of minors may petition,	8	32
Duty of court on such petition,		<i>ib.</i>
COSHOCKTON. County erected,	—	81
Organized,	9	32
CHIVENTON John, act for the relief of,	8	86
CHANCERY COURT.		
Jurisdiction of,	—	178
Application, how made,		<i>ib.</i>
Subpoena to issue,		<i>ib.</i>
Defendants may be summoned from one county to another in certain cases,	—	179

INDEX.

	V.	P.
Of pleas and pleadings therein,	8	150
Persons in possession of land may institute suit against claimant,	—	181
Of pleas and answers,	—	182
Rules of evidence,	—	185
Duty of courts in pronouncing sentence,	—	<i>ib.</i>
A jury may be empaneled to enquire into facts,	—	<i>ib.</i>
Causes set for trial next term after filing replication,	—	186
Proceedings when either party fail to attend,	—	<i>ib.</i>
Rec'rd, how made up,	—	187
A decree to have the same effect as a judgment at law,	—	<i>ib.</i>
For conveyance of land, how to operate,	—	<i>ib.</i>
A writ of sequestration to issue on defendant failing to comply with the decree or other writ to carry the decree into effect,	—	188
Officer neglecting to execute process, how proceeded against,	—	<i>ib.</i>
Persons guilty of contempt, to be fined 50 dollars or less,	—	190
To whom fine paid,	—	191
Power of court in awarding cost,	—	<i>ib.</i>
To establish rules of practice,	—	<i>ib.</i>
When one defendant resides out of the state, how proceeded against,	—	195
Petitions for a review to be filed in five years,	—	<i>ib.</i>
Proceedings thereon,	—	196
Proceedings on decree may be stayed in certain cases, on security being given,	—	<i>ib.</i>
Security for cost required in certain cases,	—	<i>ib.</i>
Suits not to be sustained when remedy may be had at law,	—	262
CHILLICOTHE. Town of incorporated. See territorial law,	3	185
CINCINNATI. Town of incorporated. See territorial law,	3	194
CLINTON. County erected,	8	286
CORONER.		
His duty when sheriff's office is vacant, or the sheriff a party,	—	405
His duty on being informed of a dead body,	—	406
Penalty for neglect of duty,	—	408
COLLECTORS of County or Township.		
To give bond to county treasurer,	—	319
To sell and convey town lots for taxes,	9	112
When to make distress of goods for tax,	—	319
To give ten days notice of sale,	8	320
When to pay over tax collected,	—	<i>ib.</i>
COLLECTORS of Districts.		
The state divided into six collection districts,	—	321
One collector for each appointed annually,	—	322
Each district collector to give bond and take an oath,	—	323
On receiving duplicate to advertise,	—	324
Tax not paid by last December, land to be returned delinquent,	—	325
To make return and pay over by fifteenth January,	—	327
To keep a book of entries and transfers,	—	<i>ib.</i>
Duty on receiving audited bills,	—	331
When a tract is owned by two or more persons, either may pay for his proportion,	—	<i>ib.</i>
May not purchase land sold for taxes,	—	333
To keep a book of sales,	—	334
When the whole tract sold, to make a deed,	—	335

INDEX.

	V.	P.
To give a certificate when only a part sold,	8	338
How to proceed when purchaser refuses to pay,		<i>ib.</i>
In case of no bidders, to return land delinquent,		<i>ib.</i>
Four per cent. and mileage allowed to collector as compensation,	—	536
On failure to pay over, how proceeded against,		<i>ib.</i>
To make deeds for land heretofore sold for tax,	9	3
Duty in paying over monies to counties and compensation for,	9	6
COLLEGE, township in Cincinnati district.		
Act for locating,	1	66
CLERMONT. County erected,	5	155
Permanent seat of justice fixed,	2	273
CRIMES and Punishments.		
Treason, how punished,	8	534
Murder, how punished,	—	555
Manslaughter,		<i>ib.</i>
Ravishment,		<i>ib.</i>
Attempt to commit a rape,		<i>ib.</i>
Arson,		<i>ib.</i>
Intentional maiming,	—	536
Maiming without malice,		<i>ib.</i>
Perjury,	—	537
Refusing to take an oath,		<i>ib.</i>
Subornation of perjury,	—	538
Bribery in a judge, how punished,		<i>ib.</i>
Forgery in writing, how punished,		<i>ib.</i>
— In Engraving,	—	639
Counterfeiting,		<i>ib.</i>
Burglary with intent to injure persons,		<i>ib.</i>
And to steal,	—	540
House breaking, &c.		<i>ib.</i>
Robbery, how punished,		<i>ib.</i>
Aiders, in law considered as principals, and to be punished accordingly,	—	542
Receivers of stolen goods, how punished,		<i>ib.</i>
Horse stealing,		<i>ib.</i>
Harborers of thieves,		<i>ib.</i>
Stealing,	—	542
Conspiracy,	—	543
Bigamy,	—	545
Corruption of jurors,		<i>ib.</i>
Oppression in a sheriff, &c.	—	546
Officers fomenting quarrels or suits, &c.		<i>ib.</i>
Destroying property, how punished,		<i>ib.</i>
Swindlers to be fined,	—	547
Assault and battery, how punished,		<i>ib.</i>
Persons abusing officers exercising their authority, how punished,		<i>ib.</i>
Rescuing prisoners,	8	548
Assumption of authority,		<i>ib.</i>
The punishment of death to be inflicted by hanging,		<i>ib.</i>
Removing land marks, how punished,		<i>ib.</i>
Boxing,	9	46
Jail breakers, how punished,		<i>ib.</i>
Wounding, with intent to murder,	9	46

INDEX.

	V.	P.
Adultery,	9	46
Duelling,		<i>ib.</i>
Fornication,		<i>ib.</i>
Cutting fruit trees,		<i>ib.</i>
Challenging to fight or box at fistcuffs,	8	514
CONSPIRACIES. Civil officers to make proclamation.,		543
If not obeyed, to raise posse committatus and arrest conspirators,	—	544
Persons refusing to aid officers when commanded, to be fined ten dollars,		<i>ib.</i>
Conspirators killed or wounded, to have no redress,		<i>ib.</i>
Persons obstructing authority, how punished,		<i>ib.</i>
COURTS Judicial. When holden,	9	70
Judges to rank per date of commission,	8	259
Supreme courts—their jurisdiction,		<i>ib.</i>
What writs they may issue,	—	260
One judge in vacation may issue writs of error, supercedeas, &c.		<i>ib.</i>
Proceedings on petition for new trial,	—	163
On writs of error may reverse decrees, &c. of com. pleas,		<i>ib.</i>
Also, direct com. pleas to issue executions thereon,	—	265
When writs of error may be brought,	—	264
To grant divorces,	—	415
May decree the marriage dissolved in certain cases,	—	416
May not affect the legitimacy of children	—	417
On appeals from com. pleas, the pleadings may be altered on payment of cost,	—	276
Process how tested,	—	277
Bail how to justify,	—	284
To try all capital offences,	—	297
COMMON PLEAS, their jurisdiction,	—	260
What crimes cognizable before them,	—	261
President or any associate may allow writs of certiorari,		<i>ib.</i>
May require parties to produce books, &c. as evidence,	—	262
Suits in equity, in what cases sustainable,		<i>ib.</i>
May grant new trials, administer oaths, and punish contempts, to appoint inspector,	—	389
May issue writs to enquire as to lunatics, &c.	—	408
May appoint guardians to lunatics,	—	409
Proceedings of justice reversed on certiorari, trial to be had by jury,	—	523
Judgments to carry cost in certain cases,		<i>ib.</i>
Persons recovering less than seventy dollars, to pay cost,	—	532
Proceedings in civil cases not to be quashed for want of form, except on demurrer,	—	264
Costs how taxed on trials in error,	—	265
Rule of proceedings on suits brought on articles of agreement,		<i>ib.</i>
Payment may be plead,	—	267
On tender made, defendant discharged in certain cases,		<i>ib.</i>
Of pleas and pleadings,	—	268
Proceedings when more defendants than one,		<i>ib.</i>
Proceedings on actions of trespass, quare clausum fregit,	—	259
Ejectment, proceedings thereon,		<i>ib.</i>
No plea in abatement to be received without a affidavit,	—	268
Demurrer over-ruled, cost to be taxed against the party,	—	<i>ib.</i>

INDEX.

	V.	P.
Persons informing on a penal statute to pay cost in certain cases,	8	271
When judges of common pleas interested, clerk to certify proceedings up to supreme court,	—	<i>ib.</i>
Courts to make rules to regulate pleadings, &c.	—	274
Judgment in common pleas void after appeal is taken,	—	275
Duty of clerk to certify up proceedings when appeal is taken,	—	275
Process to be filed and security for cost given if required before writ issued,	—	277
What species of action require special bail,	—	<i>ib.</i>
Summons first process in actions when no special bail is required,	—	<i>ib.</i>
Service and return of process regulated,	—	278
On process returned not served, alias may issue,	—	279
Testatum, or attachment, if deft. is moved out of the county,	—	<i>ib.</i>
Proceedings thereon,	—	280
A proclamation may issue in certain cases,	—	<i>ib.</i>
When two or more persons, bound by bond, and reside in different counties, how to be proceeded against,	—	281
Special bail to be put in on return day of capias,	—	<i>ib.</i>
When no bail bond returned nor special bail filed, sheriff may be ruled to bring in the body of the defendant,	—	<i>ib.</i>
On failure may be amerced,	—	283
Producing body, may be discharged,	—	<i>ib.</i>
Sheriff may enter special bail to save himself,	—	<i>ib.</i>
When exceptions are taken to bail, after filed, how to proceed,	—	<i>ib.</i>
Two days notice of justification of bail to be given,	—	283
Bail may justify in certain cases,	—	284
No special bail filed, plff. may take an assignment of bail bond,	—	285
Bail bond how proceeded on,	—	286
When a render of the principal will discharge special bail,	—	<i>ib.</i>
Defendant may appear in court and discharge his bail,	—	287
Court to order an entry of render,	—	<i>ib.</i>
Clerk to enter an exoneratur on bail piece,	—	<i>ib.</i>
Bail to give notice of render to plaintiff,	—	<i>ib.</i>
On return of cepi corpus, the parties to proceed to trial,	—	<i>ib.</i>
Pleadings, how made up,	—	288
Sheriff may not be ruled to bring in the body of defendant after six months,	—	<i>ib.</i>
Declaration not to be filed until special bail entered, or defendant brought in,	—	<i>ib.</i>
Defendant to be furnished with copy of account before he file his plea,	—	289
Parties bound to notice pleadings without a copy,	—	288
Plaintiff to be furnished with a copy of account pled as set off,	—	289
Declaration may be corrected,	—	<i>ib.</i>
Defendant in custody may be served with process,	—	<i>ib.</i>
Issues in law to be tried before those in fact,	—	<i>ib.</i>
Causes to be tried the first court after issue joined,	—	290
Proceedings on interlocutory judgments,	—	<i>ib.</i>
Proceedings after verdict,	—	<i>ib.</i>
Clerk how to endorse writ before service,	—	<i>ib.</i>
Ca. sa. returned non est, plaintiff may proceed against special bail,	—	291
Bail, how to proceed against,	—	291

I N D E X.

	V.	P.
Proceedings on cases removed by habeas corpus from common pleas to supreme court,	8	291
Special verdict and demurrer, court to assign a day to hear the argument,		<i>ib.</i>
Scire facias may issue to revive a judgment after five years,		<i>ib.</i>
Proceedings on scire facias,	—	292
Minutes to be read and signed before each adjournment,	—	293
Bills of exception to be signed and sealed by the judges,		<i>ib.</i>
Duty of court on the call of a prisoner,	—	296
Witnesses may be summoned to attend examining court,	—	297
Writ of distringas, &c. may issue in certain cases,	—	305
Proceedings thereon,		<i>ib.</i>
Expence, how paid,		<i>ib.</i>
A struck jury may be had on application,	—	305
Manner of striking a jury,		<i>ib.</i>
Fees of, by whom paid,	—	307
Acts of the state may be given in evidence, without being plead,		<i>ib.</i>
Of detinue,	—	308
Prisoner may elect to be tried by common pleas,	—	309
When a person indicted in supreme court for any offence not capital, clerk to certify the proceedings with a copy of the indictment, down to common pleas,		<i>ib.</i>
Prisoner indicted, to be tried first term,	—	310
Prisoners committed for capital crimes, may be let to bail in certain cases,		<i>ib.</i>
Prisoner not indicted at the second term, to be set at liberty,		<i>ib.</i>
Prisoner may challenge twenty-three jurors,	—	312
To be furnished with a copy of indictment,	—	311
Court to assign council to prisoner,		<i>ib.</i>
Of pleadings on indictments,		<i>ib.</i>
Writs of error may be allowed in certain criminal cases,	—	313
Criminals to be tried in county where offence committed,	—	314
Certain laws repealed,		<i>ib.</i>
CONSTABLES.		
When and how chosen. See election of township officers.		
Vacancies filled by township trustees. See their duty.		
Duty of constable defined,	—	514
In serving process, to endorse the time and manner of service,	—	516
To advertise ten days before making sale of property,	—	524
Making false returns, how dealt with,	—	527
Right of property contested, how to proceed,		<i>ib.</i>
To pay money over to justice,	—	528
When prevented from levying, second execution may issue,	—	529
Levying on live property, to be allowed cost of keeping,	—	533
For injuring persons under color of his office, how punished,	—	546
To give notice of township elections, annually,	—	245
DELAWARE. County established,	6	29
Part of Franklin attached thereto,	7	136
DAYTON. Town plan of changed,	6	140
———Town incorporated,	3	266
———Library Society incorporated,	3	283
DARK. County erected,	7	69
Seat of justice removed,	9	10

INDEX.

	V.	P.
DENNY James, compensation allowed to, for surveying sal- works,	2	272
DEEDS. How executed and acknowledged,	8	398
What officers are authorized to take acknowledgments,	—	399
Made under territorial government, valid, and may be admit- ted to record,	—	400
When deeds made out of this state, how certified, &c.	—	<i>ib.</i>
Must be recorded in one year,	—	401
Those made in this state to be recorded in six months,	—	<i>ib.</i>
If not, to be deemed fraudulent,	—	<i>ib.</i>
DIVORCE. For what causes granted,	—	416
Proceedings thereon,	—	<i>ib.</i>
Supreme court have the sole cognizance of,	—	415
Wife entitled to land, in certain cases,	—	417
DEBTORS Insolvent, may petition court of common pleas,	—	433
Notice to be given by court,	—	434
On final hearing applicant to make oath,	—	<i>ib.</i>
Trustees to be appointed, who shall give bond,	—	<i>ib.</i>
Their power and duty,	—	435
Creditors failing to exhibit claims barred, &c.	—	436
May appeal to court,	—	<i>ib.</i>
Penalty on petitioner for concealing property,	—	437
Privileged from imprisonment after assignment of property,	—	<i>ib.</i>
How released from imprisonment.	—	<i>ib.</i>
DUELLING. How punished.	—	543
DESCENTS —the course of,	—	439
Depositions may be taken <i>de bene esse</i> ,	—	272
Notice to be given and mode of taking,	—	273
Dedimus potestatum may issue from court,	—	274
ELECTIONS.		
Special election allowed in the county of Champaign.	4	3
Special election authorized in the county of Athens,	4	4
Electors of president and vice-president of the United States, how and when elected,	8	506
Of township officers, and how conducted,	—	242
Justices of peace, what notice and where held,	—	88
Mode of contesting,	—	69
Cost accruing on contest, by whom paid,	—	<i>ib.</i>
Governor's election, how contested,	9	105
General election on second Tuesday of October, manner of con- ducting,	8	551
Compensation to judges and clerks,	—	552
Fine on persons refusing to act as judges, &c.	—	<i>ib.</i>
Judges and clerks each to take an oath,	—	<i>ib.</i>
Their duty in receiving tickets,	—	553
Qualifications of electors, how examined into,	—	<i>ib.</i>
Manner of canvassing tickets,	—	554
Judges to proclaim the result of election,	—	<i>ib.</i>
Form of poll books and certificate,	—	555
Form of abstract and certificate,	—	556
To be sealed up and sent to county and township clerks,	—	557
Duty of clerk in opening returns,	—	<i>ib.</i>
To make out certificates to the persons elected,	—	560

INDEX.

	V.	P.
Manner of contesting elections of representatives,	8	860
Qualifications of contestor,	—	561
Sheriff and coroner election, how contested,	—	<i>ib.</i>
Compensation to judges who carry poll book,	—	562
Officers refusing to act, how punished,	—	<i>ib.</i>
Persons interrupting elections, how punished;	—	564
ESTRAYS. Who are authorized to take up,	—	53
Duty of taker up to advertise, &c.	—	54
If no owner come in twenty days, to go before a justice of peace,	—	<i>ib.</i>
Duty of justice,	—	<i>ib.</i>
Taker up to pay fees,	—	55
Taker up not a land holder, how to proceed,	—	<i>ib.</i>
Owner proving property in one year, and paying fees and reward, may have his property,	—	56
Expences of keeping, how ascertained,	—	<i>ib.</i>
When appraised value does not exceed \$5, how to proceed,	—	57
Not claimed in one year, to be sold, and how,	—	<i>ib.</i>
Nine months credit may be given,	—	58
Owner proving property in three years, entitled to residue of proceeds of sale,	—	<i>ib.</i>
Persons offending, how punished,	—	<i>ib.</i>
Boats, &c. may be taken up,	—	59
Fees for taking up,	—	60
Appraisal not exceeding ten dollars, how to proceed,	—	<i>ib.</i>
EJECTMENT. Ten days notice must be given to the tenant in possession,	—	269
Further proceedings in ejectment,	—	<i>ib.</i>
Of pleas and pleadings thereon,	—	270
ERIE. Literary Society incorporated,	1	117
Act amended,	5	86
Two additional trustees appointed,	8	140
EXCHANGE. Bills of regulated,	—	60
ESTATES Personal. Not sufficient to pay debts of deceased, court to order real to be sold,	—	153
No heirs left, to be vested in overseers of poor,	—	163
ELIZABETH Town, in Fairfield county, to be vacated,	9	77
EXPORTING without inspection, penalty for,	8	394
ESCAPE. The officer suffering a criminal to escape, how punished,	—	545
EXECUTION. Land subject to execution for debt,	—	71
From what time property bound by judgments and execution,	—	<i>ib.</i>
First execution delivered to sheriff to be first satisfied,	—	<i>ib.</i>
All delivered in ten days after court, equal,	—	73
Lands improven not to be sold for less than two-thirds of value on execution,	—	74
Unimproven, for not less than one half,	—	<i>ib.</i>
Debtor may set off any part of his property,	—	<i>ib.</i>
Person having a family, what property not subject to execution,	—	75
The body in arrest, may be released on giving up property,	—	<i>ib.</i>
Plaintiff or defendant dying after judgment; how to proceed,	—	79
Execution may issue against goods, chattels, lands, &c. of thieves,	—	542
For fines inflicted may issue against body and goods, &c.	—	549
Executions from justice of peace to issue against body & goods,	—	524

INDEX.

	V.	P.
Returnable in thirty days,	8	224
Stay of execution on judgments entered when bail is given,	—	228
ENUMERATION of white male inhabitants, above twenty-one years, in what manner and by whom taken,	—	474
Return thereof to be made to county clerk,	—	475
Penalty for neglect of duty, how recovered,	—	<i>id.</i>
Compensation of lister for taking enumeration,	—	476
ENCLOSURES. Fence or paling on the line between two persons to be kept in repair at the joint expence of each party,	—	500
One party joining fence with another to pay half the value thereof,	—	<i>id.</i>
When parties cannot agree, fence viewers to be called,	—	<i>id.</i>
Animals trespassing damages, how assessed,	—	501
FERRIES. To be licenced by court of common pleas,	—	107
Duty of ferryman defined,	—	108
Penalty for neglect of duty,	—	<i>id.</i>
Fine for charging unlawful fees,	—	<i>id.</i>
Fees or rates of ferriage,	—	112
FINES collected by justices of peace, sheriff, and constable, to be paid into county treasury,	—	113
Fines under election law, how collected and disposed of,	—	563
May be remitted by governor,	—	459
Fines recovered under the act for the prevention of immoral practices, to be paid into the township treasury,	—	566
FRAUDS, at elections, how punished,	—	560
Fraudulent deeds to be considered void,	—	216
FREEHOLD not to be transferred except by deed in writing,	—	217
FORMS of Process to be issued by justice of the peace. Affidavit,	—	510
Warrant for an assault,	—	511
Search warrant,	—	<i>id.</i>
Warrant for the peace or good behavior,	—	512
Recognizance,	—	<i>id.</i>
Summons for a witness,	—	513
Mittimus or commitment,	—	514
Recognizance of bail,	—	516
Recognizance in case of appeal,	—	530
Scire facias against bail,	—	<i>id.</i>
Summons for debt,	—	531
Capias for debt on judgment,	—	<i>id.</i>
Execution,	—	532
Warrant in forcible entry and detainer,	9	101
Writ of restitution,	9	102
Form of process to be issued from courts,	8	72
Fieri facias et levavi facias,	—	—
Recognizance of bail,	—	283
Bail piece,	—	284
Assignment of bail bond,	—	<i>id.</i>
Summons for a grand or petit juror,	—	299
FAYETTE. County erected,	—	134
FRANKLIN. County erected,	5	317
FORGERY. See crimes and punishments,	—	—
FIRING woods and prairies, how punished,	8	424
FENCES. What lawful,	—	429

INDEX.

	V.	P.
Owner of lawful fence injured by animals, how to proceed,	8	429
Duty of fence viewers,		<i>ib.</i>
Owner of trespassing animals refusing to pay damages, how proceeded against,	—	430
Duty of justice of peace on application,		<i>ib.</i>
Compensation of fence viewers,		<i>ib.</i>
Either party may appeal to court,		<i>ib.</i>
Penalty on fence viewers for neglect of duty,	—	431
FEES of Civil Officers, &c.		
Sheriff's fees in common pleas,	—	442
—In supreme court,	—	444
—In forcible entry, &c.		<i>ib.</i>
When the state fails, how paid,	—	445
Clerk's fees in supreme court,		<i>ib.</i>
—In civil cases,		<i>ib.</i>
—In criminal cases,	—	447
—In common pleas,		<i>ib.</i>
—In probate and testamentary business,	—	449
—In criminal cases,	—	450
Recorder's fees,	—	451
Coroner's fees,		<i>ib.</i>
Justice's fees in civil cases,	—	452
—In criminal cases,		<i>ib.</i>
Juror's fees,	—	454
Witnesses fees,		<i>ib.</i>
Fees allowed under the act against forcible entry and detainer,		<i>ib.</i>
Fees allowed under the act for the partition of real estate,		<i>ib.</i>
Collector's fee for making deeds,	9	4
Constable's fees in civil cases,	8	453
—In criminal cases,		<i>ib.</i>
Attornies and counsellors at law docket fees,	—	454
Each officer to keep a table of his fees posted up in his office,	—	455
Penalty for neglect or charging unlawful fees,		<i>ib.</i>
Commissioners for fixing seats of justice allowed \$2 per day,	—	469
Fees of county surveyor,	—	479
Chain-carrier's and marker's fees,		<i>ib.</i>
FORCIBLE Entry and Detainer.		
Two justices may enquire into,	9	100
Jury to be empannelled and sworn by justices,	9	102
No appeal allowed but may be removed by certiorari,	9	104
Not to affect three years quiet possession,		<i>ib.</i>
FAIRFIELD. County erected.	5	157
FUGITIVES from Justice, &c.		
Act of United States respecting them,	8	600
FRANKLIN Turnpike Road Company incorporated,	7	150
FARMERS, &c. Manufacturing Company of the Little Miami incorporated.	9	48
GEAUGA. County erected,	4	65
GALLIA. County erected,	3	316
Line altered,	5	105
Line further altered,	3	294
GALLIPOLIS. Town of incorporated,	6	12
GUERNSEY. County erected,	8	65

INDEX.

	V.	P.
GARNISHEE liable in certain cases,	8	125
On delivering up money or goods to be exempt from payment of costs,	—	126
To recover costs in certain cases,	—	<i>ib.</i>
Scire facias may issue against garnishee, in certain cases,	—	129
Proceedings thereon,	—	130
GUARDIANS , to be appointed by court,	—	160
To give bond, &c.	—	<i>ib.</i>
Their power and duty,	—	<i>ib.</i>
At what age minors may choose guardians,	—	161
How appointed for lunatics,	—	409
Their duty and power,	—	<i>ib.</i>
To give bond to court,	—	410
May sue or plead for their words,	—	270
GOVERNMENT.		
Provisions for fixing the permanent seat of,	—	237
Temporary seat fixed,	—	220
GREEN. County erected,	3	304
GAMING. How punished,	8	564
Obligations given for money lost to be void,	—	565
Money lost may be sued for and recovered,	—	—
Duty of judges and justices to suppress gaming,	—	—
GRANVILLE Religious and Literary Society incorporated,	9	30
HIGHLAND. County erected,	3	256
Permanent seat of justice established,	5	73
HAMILTON. County erected,	5	153
County line established,	6	10
HAMTRAMACK John F. certain land allowed to be sold for the benefit of his heirs,	7	158
HILLMAN James, an act for the relief of,	7	263
An act for the further relief of same,	8	65
HURON. County erected,	7	194
East line of established,	9	28
HELMICK Isaac, an act for the relief of,	1	21
HORSES Stone, not to run at large,	8	492
Horse racing and bullet playing in towns, how punished,	—	564
HABEAS CORPUS.		
Writ to be allowed by any judge on good cause shewn,	9	34
Duty of clerk to issue writ,	9	35
Duty of person to whom directed,	—	—
Judge may commit or discharge on hearing,	—	—
Persons refusing to issue or obey said writ, how punished,	9	36
Persons discharged not to be again imprisoned, for the same offence,	—	—
No prisoner to be removed except by legal process,	9	37
Persons acting contrary, how punished,	9	38
Penalties recovered to accrue to the party injured,	—	—
HAMILTON , in Butler county, incorporated,	8	6
HEATHEN , the society for propagating the gospel among them incorporated,	—	12
INJUNCTION , writs of, by whom and in what cases granted,	—	193
Duty of clerk in issuing,	—	193
Duty of sheriff on receiving them,	—	<i>ib.</i>

INDEX.

	V.	P.
Writs of injunction to stay waste, persons refusing to obey them, how punished,	8	194
INDIANS. Persons not to sell spirituous liquors to them without proper authority,	—	584
In case of default, how proceeded against,	—	—
Moravians, an act for the relief of,	—	67
INSOLVENT Estates. Proceedings thereon,	—	158
Real property to be sold, and how,	—	159
Persons authorised to sell, court may require them to give bond,	—	160
Party selling to execute a deed to purchaser,	—	—
INDENTURES , by whom and in what manner made,	—	494
INSOLVENT Debtors may petition court of common pleas and exhibit schedule,	—	435
Proceedings thereon,	—	434
Court to appoint trustees,	—	435
Power and duty of trustees,	—	—
INTEREST. Six per cent. per annum allowed & no more,	—	397
Penalty for receiving more,	—	—
INSPECTOR for each county to be appointed by court of common pleas,	—	389
His duty to appoint deputies and take an oath,	—	—
Further duty and compensation,	—	390
Penalty for misconduct,	—	—
He may not receive any article condemned,	—	391
Meal and flour, how packed and branded,	—	—
Pork and beef, how, &c.	—	392
Butter and lard, how, &c.	—	393
Biscuit, how, &c.	—	—
Further duty of inspector,	—	—
Owner aggrieved, he may apply to a justice of the peace,	—	394
Court may remove inspector for good cause and appoint another,	—	395
Penalty for counterfeiting brands,	—	—
JEFFERSON County erected,	5	154
A certain tract of country attached thereto,	5	104
JUSTICES of Peace to take an oath and give bond to township trustees,	8	91
To transmit date of their commissions to township clerk,	—	92
May resign his office to county clerk,	—	<i>ib.</i>
After resignation to make out transcript,	—	93
Justices dying his representative to deliver over all documents to the next justice,	—	<i>ib.</i>
Duty of the next justice,	—	<i>ib.</i>
Justices duty to suppress gaming, &c.	—	566
Jurisdiction of justices extended to \$70	—	515
To be conservators of the peace,	—	510
On view or complaint to arrest offenders,	—	<i>ib.</i>
To keep a docket and take confessions for the sum of 200 dollars,	—	516
How to proceed in recovering debts,	—	<i>ib.</i>
May adjourn trial for 20 days,	—	519
Parties agreeing to go before justice, without process how to proceed,	—	<i>ib.</i>
To non-suit plaintiff for not appearing,	—	<i>ib.</i>
May give judgment for any balance found due to the defendant,	—	<i>ib.</i>

INDEX.

	V.	P.
May proceed on trial when defendant fails to attend,	8	520
May grant new trials,		<i>ib.</i>
When no justice in a township how to proceed,		<i>ib.</i>
Parties may submit their cause to arbitration before trial,		<i>ib.</i>
To send transcript to court when no goods or chattels can be found,		525
Duty of court to issue an execution against lands and tenements,		<i>ib.</i>
On receiving transcript from another justice, to issue scire facias, &c.	—	526
Non-residents to enter bail before suit brought by justice,		<i>ib.</i>
Justice to pay over monies collected to plaintiff on demand,	—	528
Proceedings in case of failure,		<i>ib.</i>
Witnesses failing to attend, how proceeded against,	—	529
Not to quash a suit for want of forin,		<i>ib.</i>
What actions not cognizable before a justice of the peace,	—	531
May issue attachment. See attachment law.		<i>ib.</i>
Further duty. See act for the encouragement of killing wolves, &c.		
Their duty in cases of forcible entry, &c. See act against.		
JUDGMENTS, to bind land from the first day of the term at which entered,	—	71
Goods and chattels bound from the time of levy,		<i>ib.</i>
Judgments reversed not to affect the title of land sold by sheriff, under them,	—	77
JUDGES Associate to determine the number of justices of peace in each township,		<i>ib.</i>
Their duty to suppress gaming,	—	88
JURORS, to be selected by township trustees. See duty of trustees.	—	566
How selected for trial in court,	—	300
Grand jury, of what number to consist,		<i>ib.</i>
To take an oath—form thereof,	—	303
Their duty and qualification,		<i>ib.</i>
When any sick or dead, their place how supplied,	—	304
Petit jurors, their qualifications,		<i>ib.</i>
May be challenged, and how,	—	308
Power and duty of petit jurors,		<i>ib.</i>
Jurors failing to attend, how dealt with,	—	304
KNOX County.		
Erected,	6	22
LOTTERY.		
To raise money to improve the navigation of Cuyahoga and Muskingum rivers,	5	74
Act amended,	9	9
To raise money to secure the bank of the Scioto river, at Chillicothe.	5	89
Amendment to act,	5	103
Further amendments to act,	6	97
To raise money to build a bridge across the mouth of Muskingum river,	5	110
Amendment to act,	6	174
To raise 6000 dollars for the benefit of the Cincinnati University,	5	129
Amendment to act,	7	195

Q

INDEX.

	V.	P.
Persons holding private lotteries, how punished,	8	498
LETART Falls, a pilot established over,	3	249
LANDS granted for religious purposes, &c.		
Trustees appointed to lease section No. 29, adjoining Gallipolis,	6	113
Township trustees to lease sections 16 and 29, in fractional townships, Ohio Company's purchase,	7	192
Supplement to,	7	165
Section 16, in fractional township No. 4, in the 2d fractional range of townships in the Miami purchase. how to be laid out and leased,	7	219
Amendment to,	9	64
Authority given to lease certain lands in the county of Washington, granted for religious purposes,	3	200
Amendment to,	8	115
Further amended,	4	25
Section 16, school lands, how leased,	3	321
Town council of Marietta authorised to lease section No. 16, in said town,	6	96
Amendment to,	9	44
Certain lands offered by congress as school lands for the Virginia military district, accepted,	6	125
Lands of minors, fine covert, &c. sold for taxes, mode of redemption,	8	501
Three tracts of land on Muskingum river exempt from taxation,	9	18
LANCASTER, town of, incorporated,	4	6
Attached to Hockhocking township,	4	88
LEBANON Town, Warren county, incorporated,	8	35
LIBRARY Society of Granville incorporated,	5	62
Western Library Association incorporated,	8	141
Washington Social Library Company incorporated,	—	251
Poland Library Society incorporated,	—	197
LICKING. County erected,	6	21
LEE Henry, executor, the title to certain lands vested in him,	7	71
LIMITATION of Actions.		
Trespass, assault, &c. to be brought in one year,	8	62
Ejectment, in twenty years,	—	63
On penal statutes, in two years,	—	64
Actions accruing before the passage of the act of 1804, to be governed by its provisions,		<i>ib.</i>
Loan of goods and peaceable possession, 5 years to give a right thereto, except recorded,	—	217
Certain actions to be barred in 2 years, except made in writing,		<i>ib.</i>
Persons may depose to book accounts, within a limited time,	—	218
LISTERS, their duty and compensation. See taxes.		
LUNATICS. See act for appointing guardians, &c.		
LOTS in town to be sold by their numbers,	8	462
MARIETTA.		
Town of incorporated,		
Part of Fearing township attached thereto,	7	144
Town council authorised to preserve the banks of rivers in said town. See territorial law.		
MEASURES. See duty of county commissioners.		

INDEX.

	V.	P.
MERCHANTS , to be licensed, and how,	8	110
Penalty for retaining without licence,	—	111
MARRIAGES regulated,	—	119
MASTERS and Servants regulated,	—	495
MINORS , their land sold for tax, how redeemed,	—	336
May choose guardians at a certain age. See act providing for appointment of guardians, &c.		
MORTGAGE , how money secured by,	—	4
MILITIA , act disciplining,	7	3
Amendment to,	9	79
Appropriations for military services,	7	161
MIAMI County erected,	5	94
Exporting Company incorporated,	1	126
MANCHESTER , trustees appointed for town of. See ter. law.	3	177
MILLAR James, an act for the relief of,	8	218
MADISON County erected,	8	248
MONIGOMERY County erected,	3	304
MUSKINGUM County erected,	3	359
MURDER . See crimes, &c.		
MAIMING . See crimes, &c.		
MILLS Sally, an act for the relief of. See territorial law.	3	217
MILLDAMS , how constructed on navigable streams,	8	504
Application to be made to county commissioners for liberty to erect,	6	505
Persons offending, how punished,		<i>ib.</i>
Persons destroying mill-dams erected by authority, how punished,		<i>ib.</i>
Special provision for the falls of Hockhocking,	6	146
Jehiel Gregory & co. authorised to erect a dam over Hockhocking,	3	251
On Little Miami, how they may be erected.	9	8
On the Great Miami and its main branches, how erected,	9	66
NOTARIES Public.		
An act to create the office of,	9	108
Governor to appoint,		<i>ib.</i>
To give bond and take an oath,		<i>ib.</i>
His fees,	9	109
NEW Counties, manner of paying over monies to them,	8	34
NEGOTIABLE , what instruments of writing may be negotiated,	—	69
Endorsee may sue in his own name,		<i>ib.</i>
When endorsed after due, set off may be plead,	—	70
When endorsed before due, set off may not be plead, except on proof that plaintiff had notice before endorsement,		<i>ib.</i>
NATURALIZATION , uniform rule of. See U. States law.	—	603
An act in addition to,	—	608
NAVIGABLE Streams.		
Mahoning, as far up as Holliday's mill,	—	504
Stillwater, up to the mouth of the Brushy Fork,		<i>ib.</i>
Will's Creek, up to Cambridge,		<i>ib.</i>
One Leg, as far up as the line between the 14th and 15th townships, 7th range,		<i>ib.</i>
Scioto river, to the Indian boundary,		<i>ib.</i>

INDEX.

	V.	P.
Little Mauckingum, as far up as the south line of section 36, in 2d township, 7th range,	8	504
Hockhocking, up to the mouth of Rush Creek, Amended, and 2d and 4th sections repealed,	6	143
Great Miami to the mouth of Loramie's Creek,	6	24
South-west branch or Stillwater to the mouth of Greenville branch,	9	64
Mad River, up to the forks,		<i>ib.</i>
OWNERS of half million of acres, south of Lake Erie, in Trumbull county, incorporated,	1	106
OVERSEERS of Poor. See act for relief of poor.		
ORDINANCE, for the government of the N. West Territory.	—	619
OFFICERS commissioned, and how,	—	250
OCCUPYING claimants of land, evicted and having a plain title, exempt from suits for rent, &c.	—	117
To be paid for all lasting improvements,		<i>ib.</i>
Value to be ascertained by commissioners,		<i>ib.</i>
Further proceedings thereon,	—	118
PARTITION of Real Estate.		
Heirs may petition court for partition,	—	162
Duty of court on proof, to allow partition to be made, and appoint commissioners,		<i>ib.</i>
When estate will not admit of partition, to be sold,		<i>ib.</i>
Co-partners may have partition of land on application to court,	—	483
Notice of application, what and how given,	—	484
Duty of court on proof of notice,	—	485
Duty of commissioners appointed by court to make partition,		<i>ib.</i>
Proceedings when parties agree to make partition,		<i>ib.</i>
When estate will not divide without prejudice, how to proceed,	—	486
When one party agree to take estate, duty of court and sheriff,		<i>ib.</i>
Parties not agreeing, estate to be sold,		<i>ib.</i>
Notice of sale, how given,	—	487
Sheriff to execute deeds to purchasers,		<i>ib.</i>
When partition is made, plat, &c. to be recorded,		<i>ib.</i>
Costs, how taxed and paid,	—	488
Power of guardians on partition, &c.		<i>ib.</i>
PRIVILEGES.		
Certain persons privileged from arrest at certain times,	—	418
Not to extend to treason, felony, &c.	—	419
PUBLICATIONS, not to be defaced or torn down,	—	420
Penalty for default,	—	421
PROCESS, the service and return of, regulated,		<i>ib.</i>
PETITIONING the Legislature, mode of,	—	470
PRISONERS under the authority of the United States, may be confined in the jails of this,	—	496
Fees of, how to be paid,	—	497
PRESBYTERIAN Society, in Cincinnati, incorporated,	5	76
The first society in Chillicothe incorporated,	8	171
The first society on Red Oak incorporated,	6	24
PORTSMOUTH, the proprietor authorized to change part of the in lots into out lots,	5	103
PORTAGE County erected,	6	3
West line established,	9	27

INDEX.

	V.	P.
PARSONS Horace and J. Sweat, an act for the benefit of,	8	10
PREFBLE County erected,	6	104
PICKAWAY County erected,	8	41
PUBLIC Buildings. See duty of county commissioners,		
PEDLARS , to be licenced by court of common pleas,	—	111
Penalty for retailing without licence,	—	112
POOR , a township charge,	—	220
Overseers to be elected annually,	—	243
— To have charge of poor,	—	221
On complaint made to them, how to proceed,		<i>ib.</i>
Qualifications for legal settlement of a poor person,	—	222
Persons likely to become chargeable, how notified,		<i>ib.</i>
Persons chargeable & having no legal settlement, how removed,	—	223
Overseers to bind out poor children,	—	224
Their accounts, how kept and settled,		<i>ib.</i>
— Compensation,		<i>ib.</i>
Gifts for the use of poor may be held by township trustees,		<i>ib.</i>
PRISON Bounds regulated,	—	411
Debtors entitled to bounds on giving bond,		<i>ib.</i>
PETIT Lucy, an act for her relief. See territorial law.		
PERJURY . See crimes, &c.		
PHYSIC and Surgery, the practice of regulated,	9	19
PELTON ZENAS , an act for the relief of,	9	64
PHOUTS David, an act for the relief of,	9	68
RECORDERS.		
How appointed, and continuance in office, viz. seven years,	8	96
Vacancies, how filled,	—	97
To give bond and take an oath,	—	96
May demand fee when deed received for record,	—	98
His duty and compensation,	—	97
For misconduct, how punished,	—	98
Duty on going out of office,	—	99
REPRESENTATIVE to Congress, when elected,	—	482
RELIGIOUS Societies. Persons disturbing them how punished,	—	564
The first religious society in Marietta incorporated,	5	122
RICHLAND County erected,	6	23
Seat of justice established,	8	142
RATIO of representation fixed,	—	135
REPEALING an act, not to revive a former act,	8	566
ROSS County erected,	5	153
RAVISHMENT . See crimes, &c.		
ROBBERY . See crimes, &c.		
ROADS and Highways, how established,	—	567
Alterations, how made,	—	568
Width of roads,	—	569
Duty of surveyors in laying out roads,		<i>ib.</i>
12 freeholders may object to road by petition,		<i>ib.</i>
How to proceed thereon,	—	570
Persons aggrieved by roads may petition commissioners,	—	571
Duty of commissioners,		<i>ib.</i>
Damages to be ascertained and paid before road opened,	—	572
Commissioners may allow alterations of roads in certain cases,	—	573

INDEX.

	V.	P.
Mode of vacating roads,	8	576
Costs, how paid,		<i>ib.</i>
Private roads regulated,	—	573
Two days work to be done annually on roads, by each male of age,	—	576
Persons failing to attend, when warned, to work, to be fined,	—	577
Fines, how collected and accounted for,		<i>ib.</i>
Trustees may levy a road tax, timber, &c. may be taken from lands adjacent to make bridges, &c.	—	<i>ib.</i>
Waggons and teams may be employed,		579
Price of, how fixed,		<i>ib.</i>
Guy posts to be erected at forks of roads,	—	580
Penalty for defacing them,		<i>ib.</i>
Persons obstructing roads, how punished,	—	582
Viewers of roads, for neglect how punished,	—	583
Surveyor and viewer's fees how paid,		<i>ib.</i>
Roads laid out under three per cent. fund, may be altered by county commissioners,	9	67
ST. CLAIRSVILLE.		
town of incorporated,	5	79
SCIOTO County erected,	3	302
A pond in authorised to be drained,	6	142
Line of altered,	3	294
STARK County erected,	6	154
SET-OFFS may be plead,	8	17
SUTLERS regulated,	—	52
Not to sell spiritous liquors within one mile of any religious worship,		<i>ib.</i>
Penalty for default,		<i>ib.</i>
STAUNTOWN. Proprietor may vacate part,	—	68
SALARIES of officers of government established,	—	143
SURVEYOR of County. Office created and duties defined,	—	477
to lay off land sold for taxes,	—	335
to give bond and take an oath,	—	477
His surveys, &c. to be legal evidence in court,	—	478
to keep a book and record of all surveys made,		<i>ib.</i>
His further duty. See roads and highways.		
SEALS Public, device of,	—	433
Seals to be affixed to certain instruments of writing defined,	—	425
SECRETARY OF STATE.		
to keep an office at the seat of government,	—	431
His duty in general defined,	—	432
to open and examine returns of election for representation to congress,		<i>ib.</i>
to take bonds from printers, condition of,	—	586
to sue if condition be broken,		<i>ib.</i>
to make contracts for distributing the laws, &c. and take bond,		<i>ib.</i>
to sue if condition is broken,		<i>ib.</i>
Journals, how distributed,	—	587
SHERIFF'S and Coroners, how elected in certain cases,	—	472
Injuring or defrauding under color of office, how punished,	—	546
Sheriffs to procure election boxes, &c.	—	551

INDEX.

	V.	P.
to issue proclamation of elections,	8	551
His duty on receiving apportionment of jurors from clerk, to deliver it to trustees,	—	302
How compensated for,		<i>ib.</i>
May adjourn court in case of non-attendance of the judges,	—	313
On receiving execution, to endorse the day received, and proceed to levy, &c.	—	72
When goods and chattels not sufficient, how to proceed,	—	73
Notice to be given of sale of goods, &c. 20 days, of land 30,		<i>ib.</i>
His duty to call inquest to value land before sale,	—	74
to make deed for land sold on execution,	—	75
Also, for land sold by his predecessor,	—	76
to pay overplus money to defendant,	—	77
to return writs on second day of term,		<i>ib.</i>
For any neglect of duty, how proceeded against,		<i>ib.</i>
to give bond to county commissioners,	—	403
Penalty and condition of bond,	—	404
How released from,		<i>ib.</i>
to keep the peace, &c.		<i>ib.</i>
to have charge of criminals,	—	405
His duty on writ of partition of land. See act for the partition of real estate.		
Liable for escapes,	—	524
SCIRE Facias issued by justice of peace against bail, how proceeded on,	—	525
From court, proceedings thereon,		<i>ib.</i>
SABBATH Breaking, how punished,	—	563
SWEARING Prophane, how punished,	—	564
SYMME'S Purchase, field notes of, to be preserved, and how recorded,	9	6
SHEEHY Daniel, Jane, his wife, and others to convey certain lands,	9	75
SALT Works, owners of, to enclose wells, &c.	9	76
Penalty for neglect,		<i>ib.</i>
Scioto salt works regulated,	8	228
Making salt at Salt Springs in United States Military District encouraged,	5	93
Salt works, near Muskingum, regulated,	7	213
Supplement to act,	7	143
Amendment to,	8	215
SUPERVISORS. See roads and highways.		
May sue and recover fines from persons for failing to attend and work on roads when notified so to do,	—	577
Duty of supervisor to warn every person in his district, and how, to attend and settle their accounts on 1st Monday of March, annually, with trustees,	—	578
to give persons credit for extra labor,	—	578
to open all new roads laid out, and keep in repair old roads in his district.	—	579
SPRINGFIELD, town of incorporated,	6	63
STEBENVILLE Academy incorporated,	9	39
———— town of incorporated,	3	259
———— Water Company incorporated,	8	20

3

INDEX.

	V.	P.
St. John's Church in Worthington, society of incorporated,	5	36
SEATS of Justice, how established,	8	468
THREE Per Cent Fund.		
to be received by state treasurer,	8	471
An act appropriating \$17,000 thereof for certain purposes,	3	388
Amendment to,	3	332
Further appropriations of,	4	28
An act appropriating a part of for certain purposes,	5	119
Further appropriation thereof made,	5	39
Amendment to appropriation act,	6	117
Further amendments,	6	171
Supplement to,	7	198
Further appropriation made,	8	302
Amendment to,	9	25
TIMBER. Penalty for cutting and destroying,	8	423
TREASURER OF STATE.		
His duty to receive the three per cent. fund from the secretary of the treasury of the United States,	8	471
His compensation therefor,	5	125
To keep his office at the seat of government,	8	588
To give bond, &c.,		<i>ib.</i>
To receive and keep all monies for the use of the state,	—	590
His duty on receiving audited bills, and how redeemed,	—	591
to submit his books, &c. to the general assembly,		<i>ib.</i>
For neglect of duty, how punished,	—	592
Redeemed bills, how disposed of,		<i>ib.</i>
His salary to be paid quarterly,		<i>ib.</i>
to make out a statement of the application of the 3 per cent. fund to apply the balance of three per cent. fund,	9	3
to refund the sum borrowed of three per cent. fund,	7	157
His further duty. See acts appropriating the 3 per cent. fund.	8	3
TOWN Plats. Proprietor to record them before sale of lots,	—	427
Penalty for recording improper Plats,	—	428
TUSKARAWAS, town of part vacated, and name thereof changed,	9	85
County of erected,	6	163
Part of Jefferson county attached thereto,	7	142
TAVERNS. Manner of application for licence,	8	107
Licence to be granted by court,	—	109
Duty of tavern-keepers,		<i>ib.</i>
Penalty for neglect of duty,		<i>ib.</i>
Penalty for allowing gaming,	—	110
TOLL FOR GRINDING, fixed,	—	402
Penalty for taking unlawful toll,	—	403
TESTIMONY, how perpetuated,	—	176
TOWNSHIPS—An act for the incorporation of,	—	241
Those originally surveyed incorporated,	—	100
Township officers, when to be elected,	—	242
To continue in office one year,	—	243
Each to take an oath,		<i>ib.</i>
Township clerk, his duty to record roads, marks and brands,	—	243
His compensation,	—	244
His further duty. See act for relief of the poor,		

INDEX.

	V.	P.
TAX FOR COUNTY PURPOSES. Objects of,	8	460
Manner and form of listing property,	—	461
Lists when made out, and how disposed of,	—	<i>ib.</i>
Houses and town lots to be appraised, and in what manner,	—	<i>ib.</i>
Lists to be given on oath,	—	462
Duty of lister when persons refuse to give lists, or are unable to give them,	—	<i>ib.</i>
Penalty on lister for neglect of duty,	—	463
Rates of taxation,	—	<i>ib.</i>
Commissioners to make two duplicates, &c.	—	<i>ib.</i>
Lister to be collector, and give bond,	—	<i>ib.</i>
When tax to be collected,	—	464
Duty and compensation of collector,	—	<i>ib.</i>
Collector failing to make settlement, how proceeded against,	—	465
Appeal, notice to be given of,	—	466
TOWNSHIP TAX, how levied and collected,	—	240
TAX ON LAND. What lands are subject to taxation,	—	313
How classed,	—	<i>ib.</i>
Rates of taxation,	—	316
By tenants in common, how paid,	—	333
Non-resident land to be re-listed in a certain time,	—	338
Proceedings if not re-listed,	—	339
Residents' lands, how entered for taxation in 1810,	—	340
County lister to be appointed—his duty and compensation,	—	316
100 per cent. charged annually on non-resident tax for non-payment,	—	326
One-third of land tax for county purposes,	—	<i>ib.</i>
Apportionment to be made by auditor	—	327
Certain acts repealed,	—	341
Improper charges of tax, how corrected,	—	351
The state to have a lien on every tract for tax,	—	332
Land to be sold at the end of three years, and how,	—	<i>ib.</i>
What officers may not purchase land for taxes,	—	333
TRANSFERS of Land for taxation, to be made by the seller,	—	328
Proceedings on his failing to make transfers,	—	<i>ib.</i>
With whom transfers to be made,	—	<i>ib.</i>
TODD George, the auditor to pay him 75 dollars,	5	96
TENDERS, how made and plead,	8	18
TRUSTEES OF TOWNSHIPS, when elected. See election of township officers.	—	—
May levy a road tax in certain cases,	—	377
Their further duty. See roads and highways.	—	—
To give notice of elections for justices of peace, in certain cases,	—	38
Their further duty. See act for relief of the poor.	—	—
To settle accounts with all township officers, and all accounts against the township,	—	244
Further duty of trustees. See act for the incorporation of townships.	—	—
To fix the place of holding elections,	—	247
To fill vacancies in their township offices,	—	<i>ib.</i>
To lease section No. 16, and how,	3	230
Their duty to select jurors,	8	202
To meet annually on 1st Monday in March,	—	246

INDEX.

	V.	P.
TREASURER OF TOWNSHIP , how and when elected. See election of township officers.		
To give bond, &c.	8	246
His duty and compensation,	—	247
Further duty. See act incorporating townships.		
His duty in receiving and paying over money under estray law.	—	61
UNIVERSITY established at Athens,	2	193
Supplement to act,	4	38
Amendment to,	5	85
Altered,	6	172
Amended,	7	167
Cincinnati University incorporated,	5	64
Miami University established,	7	184
Amended,	8	94
VIRGINIA Military District Lands, granted for the use of schools therein, how surveyed and disposed of,	7	169
Act amended,	8	254
Supplement thereto,	—	253
VACANCIES in certain offices to be supplied by governor,	—	426
WILLS.		
Who may devise estates by will,	—	146
Subsequent will to cancel former,	—	147
In case of children born after will, or absent and supposed dead, will to be void,		<i>ib.</i>
Non-copative wills, rules concerning,	—	148
To be proven before court of common pleas,	—	149
Validity of will contested, manner of proceeding,		<i>ib.</i>
When witnesses to a will reside out of the county, how to proceed,	—	150
A copy of wills proven in other states, may be admitted to record in this, &c.		<i>ib.</i>
Persons holding wills, how compelled to produce them,	—	151
In case of a will contested, court may appoint persons to secure the estate until contest is determined,	—	152
Their power and duty,		<i>ib.</i>
The original will to remain in clerk's office after recorded,		<i>ib.</i>
When a will is found after administration is granted, how to proceed,	—	135
WILSON Jane, an act for the relief of. See territorial law,	3	219
WHITE Fanny, an act for the relief of,	5	92
WASHINGTON County erected,	5	153
The collector of the 5th district to pay certain monies to the treasurer of,	5	106
To receive certain monies from Jefferson county,	6	176
Treasurer to pay certain monies to the treasurer of Athens county,	6	170
WILLIS Hannah, an act for the relief of,	2	67
WIDOW. Her dower not to be prejudiced by any will,	8	147
Her dower, how assigned,	—	157
To inherit all her husband's property, in certain cases,	—	163
To make her election whether or no she will abide by the will in six months,	—	386
To remain in the mansion house until her dower is assigned,	—	386

INDEX.

	V.	P.
Her dower, one-third part of the real property,	8	386
When evicted from her jointure, how endowed,	—	387
May sue for dower, in certain cases,		388
Proceedings thereon,		<i>ib.</i>
When the estate is entire, how to obtain dower,		<i>ib.</i>
Not to commit waste,		<i>ib.</i>
In what cases her right of dower barred,	—	385
Wife leaving her husband, forfeits her dower,	—	387
Dower to be set off in three months,	—	388
WRITS of replevin by whom granted,	—	191
WOLVES, &c. Bounty for killing,	—	232
Scalps to be produced in 50 days to justice,		<i>ib.</i>
Duty of justice,	—	235
Duty of county clerk to issue order on treasurer,	—	235
District collector to receive orders for scalps in payment of taxes,		<i>ib.</i>
Commissioners may offer additional bounty,		<i>ib.</i>
WEST Union, trustees to sell and convey certain lots,	9	29
WARREN County erected,	3	303
Seat of justice established,	3	255
WOMEN abandoned by their husbands, an act for the relief of,	9	15
WAYNE County erected,	6	155



