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DOCUMENTARY MATERIAL

RELATING TO

THE HISTORY OF IOWA

EDITED BY

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PROFESSOR IN THE STATE UNIVERSITY OF IOWA

VOLUME II.

LOCAL GOVERNMENT

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## PREFACE.

To the trained and scientific observer of social phenomena a very obvious fact of Society is its organization — especially its political organization. And so in dealing with the history of modern communities or commonwealths it is natural to consider first of all the facts of political organization.

Volume one of this series of *Documentary Material Relating to the History of Iowa* contains documents illustrative of the history of the general political organization of the Commonwealth of Iowa.

The present volume is concerned with the history of local political organization, and contains documents illustrative of the development of Local Government in the Territory of the Northwest from 1787 to 1800, in the Territory of Indiana from 1800 to 1805, and in the Territory of Michigan from 1805 to September 6th, 1834.

The several numbers included in this volume were published as follows: numbers IX., X., XI., and XII. by the State University of Iowa in 1897-98; and numbers XIII., XIV., XV., and XVI. by the State Historical Society of Iowa in 1900.

BENJ. F. SHAMBAUGH.

State University of Iowa,  
June, 1900.

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## CONTENTS.

### NUMBER IX.

	PAGE
Introduction, . . . . .	I
LOCAL GOVERNMENT IN THE TERRITORY OF THE NORTHWEST	
A law establishing Courts of Quarter Sessions and creating the office of Sheriff, . . . . .	3
A law establishing a Court of Probate, . . . . .	8
A law concerning the appointment of Coroners, . . . . .	10
An Act relating to the County Courts, . . . . .	11
An Act relating to the establishment of Townships, . . . . .	13
An Act creating the office of County Treasurer, . . . . .	17
An Act relating to County revenue, . . . . .	19
An Act relating to Highways, . . . . .	24
An Act establishing Court-houses, Jails, Pillories, Whipping-posts and Stocks, . . . . .	28
An Act regulating Prisons, . . . . .	31
An Act for the disposition of Strays, . . . . .	36

### NUMBER X.

Introduction, . . . . .	41
LOCAL GOVERNMENT IN THE TERRITORY OF THE NORTHWEST	
A law for the recovery of small Debts, . . . . .	43
A law establishing Courts of Judicature, . . . . .	44
A law establishing Orphans' Courts, . . . . .	48
A law to license and regulate Taverns, . . . . .	51
A law establishing the Recorder's Office, . . . . .	52
A law for raising County Rates and Levies, . . . . .	54
A law for the relief of the Poor, . . . . .	60
A law regulating Enclosures, . . . . .	63
An Act repealing certain laws, . . . . .	65
A law concerning the Coroners, . . . . .	67
A resolution relating to Courts of Quarter Sessions, . . . . .	68
A law relating to Justices of the Peace, . . . . .	69



## NUMBER XI.

Introduction, . . . . .	71
LOCAL GOVERNMENT IN THE TERRITORY OF THE NORTHWEST	
An Act giving force to certain laws, . . . . .	73
An Act regulating Enclosures, . . . . .	75
An Act establishing courts for the trial of small causes, . . . . .	78
An Act relating to the appointment of Constables, . . . . .	79
An Act relating to Highways, . . . . .	81
An Act to regulate County Levies, . . . . .	83
An Act relating to the appointment of County Treasurers, . . . . .	87
An Act relating to Common Fields, . . . . .	88
An Act repealing certain laws, . . . . .	91
LOCAL GOVERNMENT IN THE TERRITORY OF INDIANA, 1800-1805.	
A law regulating County Levies, . . . . .	92
A law establishing Courts of Judicature, . . . . .	93
A law relating to County Surveyors, . . . . .	98
A law regulating County Levies, . . . . .	100

## NUMBER XII.

Introduction, . . . . .	103
LOCAL GOVERNMENT IN THE TERRITORY OF MICHIGAN, 1805-1816.	
An Act concerning the marshal of the territory of Michigan, . . . . .	105
An Act prescribing the oath of a justice of the peace, . . . . .	106
An Act concerning district courts, . . . . .	107
An Act concerning the recovery of debts to the value of twenty dollars, . . . . .	110
An Act concerning marriages, . . . . .	110
An Act concerning appeals, . . . . .	111
An Act concerning ferries, tavern-keepers and retailers of merchandise, . . . . .	111
An Act concerning compensations, . . . . .	113
An Act in addition to "An act concerning the marshal of the territory of Michigan," . . . . .	113
An Act concerning highways and roads, . . . . .	114
An Act for the relief of the poor, . . . . .	116
An Additional Act concerning district courts, . . . . .	117
An Act to provide for the assessment and collection of a territorial tax, . . . . .	119
An Act prescribing the mode of assessing and collecting taxes, . . . . .	120
An Act concerning highways, . . . . .	124
An Act for the support of the poor, . . . . .	126
An Act directing the mode of taking inquisitions on the body of a person found dead by casualty or violence, . . . . .	129
An Act defining the powers of justices of the peace, . . . . .	130
An Act concerning jails and jailors, . . . . .	131
An Act concerning marshals, . . . . .	131

An Act concerning district courts, . . . . .	133
An Act regulating enclosures, . . . . .	135
An Act concerning schools, . . . . .	138
An Act to abolish district courts, . . . . .	139
An Act establishing county courts, . . . . .	141
An Act concerning sheriffs, coroners and constables, . . . . .	143
An Act concerning county courts, . . . . .	144

## NUMBER XIII.

Introduction, . . . . .	145
LOCAL GOVERNMENT IN THE TERRITORY OF MICHIGAN, 1816-1821.	
An Act for Opening and Regulating Roads and Highways, . . . . .	147
An Act to provide for the establishment of courts of General Quarter Sessions of the peace, and for the raising of county rates and levies, . . . . .	148
An Act to amend the act entitled "An act for opening and regulating roads and highways," . . . . .	151
An Act in addition to an act entitled "An act establishing county courts and for other purposes," . . . . .	152
An Act for establishing Courts of Probate, . . . . .	153
An Act to regulate taverns, . . . . .	155
An Act to regulate ferries, . . . . .	158
An Act for providing and regulating prisons, . . . . .	159
An Act to regulate highways, . . . . .	161
An Act concerning Sheriffs, . . . . .	162
An Act for the relief of the Poor, . . . . .	164
An Act to provide for the appointment, and to define the duties, of county Treasurers, . . . . .	165
An Act to provide for the appointment of County Commissioners, and for the raising of County Rates and Levies, . . . . .	166
An Act to regulate and define the duties and powers of Justices of the Peace and Constables, in civil cases, . . . . .	169
An Act concerning Constables, . . . . .	171
An Act concerning Coroners, . . . . .	172
An Act concerning the Supreme and County courts of the Territory of Michigan, defining their jurisdiction and powers, and directing the pleadings and practice therein in certain cases, . . . . .	174
An Act in addition to an act entitled "An act concerning the Supreme and County Courts of the Territory of Michigan, defining their jurisdiction, and directing the pleadings and practice therein in certain cases," . . . . .	179

## NUMBER XIV.

Introduction, . . . . .	181
LOCAL GOVERNMENT IN THE TERRITORY OF MICHIGAN, 1822-1825.	
An Act to amend an act entitled "An act to regulate and define the powers of justices of the peace and constables in cases," . . . . .	183



An Act to amend an act entitled "An act concerning the Supreme and county courts of the Territory of Michigan, defining their jurisdiction and powers and directing the pleadings and practice therein, in certain cases," . . . . .	183
An Act to prescribe the tenure of certain offices, . . . . .	187
An Act concerning the Supreme and county courts of the Territory of Michigan, defining their jurisdiction and powers, and directing the pleadings and practice therein, in certain cases, . . . . .	187
An Act to provide for the election of certain county officers, . .	193
An Act in addition to an act entitled "An Act to regulate highways," . . . . .	195

## NUMBER XV.

Introduction, . . . . .	199
LOCAL GOVERNMENT IN THE TERRITORY OF MICHIGAN, 1826-1828.	
An Act relative to the Duties and Privileges of Townships, . . .	201
An Act for defraying the public and necessary charges in the respective Counties of this Territory, and for other purposes, . .	208
An Act concerning sheriffs, . . . . .	213
An Act for providing and regulating Prisons, . . . . .	215
An Act to regulate and define the powers of Justices of the Peace and Constables in civil cases, . . . . .	216
An Act for the establishment of common schools, . . . . .	217
An Act to divide the several Counties in this Territory into Townships, and for other purposes, . . . . .	222
An Act to amend an act entitled "An act to divide the several Counties in this Territory into Townships, and for other purposes," . . . . .	223
An Act for establishing Courts of Probate, . . . . .	224
An Act to regulate highways, . . . . .	225
An Act concerning Coroners, . . . . .	226
An Act to abolish the Board of County Commissioners within the several counties of this Territory, . . . . .	228
An Act to define the duties of county treasurers, . . . . .	229
An Act for the relief and settlement of the Poor, . . . . .	230
An Act to provide for the election of coroners and county treasurers, . . . . .	231
An Act concerning the Supreme, Circuit and County Courts of the Territory of Michigan, defining their jurisdiction and powers, and directing the pleadings and practice therein, in certain cases, . . . . .	232
An Act amendatory to certain acts relative to the duties and privileges of Townships and for other purposes, . . . . .	233

## NUMBER XVI.

Introduction, . . . . .	239
LOCAL GOVERNMENT IN THE TERRITORY OF MICHIGAN, 1829-1834.	
An Act to prevent Justices of the Peace from keeping taverns, and for other purposes, . . . . .	241
An Act to organize the county of Iowa, and for other purposes, .	241
An Act to amend an act entitled "An act to prevent justices of the peace from keeping taverns and for other purposes," . .	243
An Act to authorize the establishment of poor houses, . . . . .	243
An Act concerning the Counties of Michilimackinac, Brown, Crawford, Chippewa, and Iowa, . . . . .	246
An Act concerning Township Clerks, . . . . .	248
An Act to amend "An act to provide for and regulate Common Schools," approved November fifth, one thousand eight hundred and twenty-nine, . . . . .	248
An Act to provide for defraying the public and necessary expenses in the respective counties of this territory, and for other purposes, . . . . .	251
An Act to provide for the election of county treasurers and coroners, and to define their powers and duties, . . . . .	256
An Act to provide for holding special sessions of the circuit court for the counties of Brown and Iowa, . . . . .	257
An Act relative to the duties and privileges of townships, . . .	257
An Act to regulate and define the powers of justices of the peace and constables, in civil cases, . . . . .	272
An Act to prescribe the mode of holding Elections in the County of Iowa, . . . . .	274
An Act for the relief and settlement of the Poor, . . . . .	275
An Act to provide for the appointment of sheriffs, and to define their powers, . . . . .	275
An Act to provide for locating a seat of justice in the county of Iowa, . . . . .	277
An Act to provide for the election of a county assessor, and for other purposes, . . . . .	278
An Act to amend the act entitled "An act relative to the Privileges and duties of Townships," . . . . .	282
An Act to fix and establish the boundaries of the counties of Brown and Iowa, and to lay off the county of Milwaukie, .	283
AN ACT TO LAY OFF AND ORGANIZE COUNTIES WEST OF THE MISSISSIPPI RIVER, . . . . .	283
AN ACT RELATIVE TO THE COUNTY OF DUBUQUE, . . . . .	286

## APPENDIX.

An Act to regulate the internal government and police of the several districts in the Territory of Michigan, (1810) . . .	287
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## NUMBER IX.

### INTRODUCTION.

By the act of Congress, approved on the 28th of June, 1834, "all that part of the territory of the United States bounded on the east by the Mississippi river, on the south by the state of Missouri, and a line drawn due west from the north-west corner of said state to the Missouri river; on the south-west and west by the Missouri river and the White Earth river, falling into the same; and on the north, by the northern boundary of the United States," was, "for the purpose of temporary government, attached to, and made a part of, the territory of Michigan."<sup>1</sup>

By virtue of this act all that part of the Louisiana purchase<sup>2</sup> which, four years later, was erected into the Territory of Iowa, became a part of the Territory of Michigan, itself originally a part of the Territory of the Northwest. The political Union thereby effected led in the course of events to the extension of the Ordinance of 1787 and laws of the Territory of Michigan over the country west of the Mississippi.<sup>3</sup>

<sup>1</sup> See Vol. I., No. III. of this series, p. 76.

<sup>2</sup> For Documents relative to the purchase of Louisiana by the United States see Vol. I., No. I. of this series, pp. 1-18.

<sup>3</sup> For the Ordinance of 1787, see Vol. I., No. III. of this series, p. 47. For the extension of the said Ordinance and the laws of the Territory of Michigan over the country west of the Mississippi river, see Sec. 12 of "An Act establishing the Territorial Government of Wisconsin," Vol. I., No. IV. of this series, p. 88, and also Sec. 12 of "An Act to divide the Territory of Wisconsin and to establish the Territorial Government of Iowa," Vol. I., No. V. of this series, p. 112.



Thus, a study of the history of the Old Northwest in general and of the Territories of Michigan and Wisconsin in particular becomes essential to a just appreciation of the history of Iowa. This is especially true of the study of Local Government in Iowa. For, properly considered, the local institutions of this Commonwealth appear simply as historical "sequences in those governmental developments which took place in and through the territories of the north and west."<sup>1</sup>

The documentary material presented in this number is illustrative of the early development of Local Government in the Territory of the Northwest.

BENJ. F. SHAMBAUGH.

<sup>1</sup> Cf. Vol. I., No. III. of this series, p. 46.

## LOCAL GOVERNMENT IN THE TERRITORY OF THE NORTHWEST.

*A LAW for establishing General Courts of Quarter Sessions of the Peace (and therein of the powers of single Justices), and for establishing County Courts of Common Pleas, (and therein of the power of single Judges to hear and determine upon small debts and contracts), and also a Law for establishing the office of Sheriff, and for the appointment of Sheriffs. Published at the city of Marietta, in the County of Washington and Territory of the United States north-west of the river Ohio, by his Excellency Arthur St. Clair, Esquire, Governour and Commander in Chief, and Samuel Holden Parsons and James Mitchell Varnum, Esquires, Judges, upon the twenty third day of August, in the thirteenth year of the Independence of the United States, and in the year of our Lord one thousand seven hundred and eighty eight.*

There shall be a court in each county styled the General Quarter Sessions of the Peace, holden and kept four times in every year in each county.

That for the county of Washington shall be holden and kept at the city of Marietta, upon the second Tuesdays of March, June, September, and December. And there shall be a competent number of justices of the peace in every of the counties, appointed and commissioned by the governour under the seal of the territory, which justices, or any three of them, one at least being of the quorum, shall and may hold the general sessions of the peace according to law.

Not less than three, nor more than five of the said justices, in each county, shall be specially named in a general commission for holding the said courts of quarter sessions of the peace.

The justices, or any three of them, one being of the quorum as aforesaid, may hold special sessions when, and as often as occasion may require.

And the said justices, and each and every of them, shall have power and authority in and out of sessions, to take all manner of recognizances, with or without surety, for good behaviour, to keep the peace, or for appearance at a superior judicatory, whether to the quarter sessions, if out of the time of sessions, or to the general court of the territory, as the case may be, to answer to charges exhibited, or crimes committed in the view of such justices, or any of them, and whereof they have not competent power to hear and determine. And in case any person or persons shall refuse to enter into recognisance as aforesaid, and to find surety when thereunto required, it shall and may be lawful for such justice or justices, in or out of sessions as aforesaid, to commit the person or persons so refusing to gaol, there to remain until he or they shall comply with the order of such justice or justices.

All recognisances for the peace, good behaviour, or appearance at the sessions, which shall be taken by any of the justices out of sessions, shall be certified into their said general sessions of the peace, to be holden next after the taking thereof; and every recognisance taken in or out of sessions for suspicion of any manner of crime not tryable in said court of quarter sessions of the peace, shall be certified before the general court of the territory at their next succeeding term, or before a court of oyer and terminer and gaol delivery for the county, to be holden next after the taking thereof, without concealing, detaining, or embezzling the same. And in case any person or persons shall forfeit his or their recognisances of the peace, good behaviour, or appearance, the recognisances so forfeited, with the record of default, or cause of forfeiture, shall be sent and certified without delay, by the justice or justices of the peace, into the quarter sessions, if taken out of the sessions and returnable to the same, or into the general court of the territory, as the case may be, whether taken in or out of the sessions; that in either case process may issue according to law. All which forfeitures shall be levied by

the proper officers, and paid to the clerks of the respective courts, to be paid by them into the public treasuries; that is to say, by the clerk of the quarter sessions, into the treasury of the county, and by the clerk of the general court into the general treasury of the territory.

One or more justices of the peace shall and may, out of sessions, hear and determine according to the course of the common law, petit crimes and misdemeanours, wherein the punishment shall be by fine only, and not exceeding three dollars, and to assess and tax costs. And in case any person or persons shall refuse to obey, fulfil, and perform the sentence or sentences given against him or them by the justice or justices herein, it shall and may be lawful for such justice or justices to commit the delinquent or delinquents to gaol, there to remain until sentence be performed. And it shall be lawful for such justice or justices whenever the crime shall be committed in his or their presence or view, to sentence as aforesaid, without further examination: and which fines shall be by such justice or justices paid to the clerk of the court of quarter sessions, and by him paid into the county treasury. All warrants issued by a justice or justices out of sessions either for apprehending, securing or committing to gaol, persons suspected, or convicted of crimes shall be under the hand and seal of such justice or justices, and directed to an officer or officers, whose duty it shall be to execute criminal process; and such officer or officers shall obey the warrant or warrants issued as aforesaid.

The courts of general quarter sessions of the peace shall and may hear, determine and sentence, according to the course of the common law, all crimes and misdemeanours, of whatever nature or kind, committed within their respective counties the punishment whereof doth not extend to life, limb, imprisonment for more than one year, or forfeiture of goods and chattels, or lands and tenements to the government of the territory.

And that persons indicted or outlawed in one county, who



dwelling, remove, or are received into another county may be brought to justice, the said courts of general quarter sessions of the peace, shall and may direct their writs or precepts under the seal of the courts, and signed by the clerks respectively, to all or any of the sheriffs, or other officers empowered by law to execute criminal process in each or any of the counties within the territory as the case may be, requiring to take and bring before said court, such persons indicted or outlawed as aforesaid. And the said court of quarter sessions shall and may issue subpoenas, and other warrants, under the seal of the court, and signed by the clerk, into any county or place in the territory, for summoning or bringing any person to give evidence in and upon any matter or cause, examinable or tryable before such court, under such pains and penalties as subpoenas or warrants of that kind, are by law granted and awarded. And a justice or justices out of sessions, may in like manner, and under similar penalties, grant subpoenas, and other warrants, to any place or places within their respective counties.

*County Courts of Common Pleas.*

A number of suitable persons, not exceeding five, nor less than three shall be appointed in each county, and commissioned by the governor under the seal of the territory, to hold and keep a court of record, to be styled, the County Court of Common Pleas: which courts shall be holden at two fixed periods in every year, and in each county respectively, at the places where the general courts of quarter sessions of the peace, shall be kept. That for the county of Washington shall be holden upon the third Tuesdays of March, and the first Tuesdays of September.

The judges so appointed and commissioned, or a majority of them shall hold pleas of assizes, scire facias, replevins, and hear and determine all manner of pleas, actions, suits, and causes of a civil nature, real, personal and mixed, according to the constitution and laws of the territory.

The said court shall and are hereby empowered to grant under their seal, and signed by their clerk, replevins, writs of partition, writs of view, and all other writs and process upon pleas and actions cognizable therein, as the case may require.

The court shall and may issue subpoenas under their seal, and signed by their clerk for the same purposes, in the manner, and under similar penalties, as the courts of general quarter sessions of the peace are empowered to issue the same. And for the more speedy recovery of small debts and demands contracted within the territory; it shall and may be lawful for one or more of the judges of the court of common pleas, in their respective counties, to hear and determine, all debts and demands, contracted as aforesaid, whether upon bond, bill, note, book account, or assumpsit in fact or law, wherein the sum demanded shall not exceed five dollars. And such judge or judges shall issue execution under his or their hands and seals directed to the sheriff, or other proper officer, for executing the judgment so given, returnable in thirty days from the test thereof.

*Sheriffs.*

There shall be appointed and commissioned by the governor, in each county of the territory, a sheriff, who shall take the oaths of allegiance to the United States, and of office, and shall give bond with two sufficient sureties, in the penal sum of four thousand dollars, for the faithful discharge of the duties of his office.

The duties of each sheriff shall be, to keep the peace, by causing all offenders against law, in his view, to enter into recognisances, with sureties, for keeping the peace and appearing at the next general quarter sessions in the same county, and to commit in case of refusal; and which recognisances shall by the said sheriff be returned, and certified before the said quarter sessions. It shall also be his duty to quell and suppress all affrays, routs, riots, and insurrections; and for which end he shall, and is hereby empowered, to call

to his aid the power of the county. He shall pursue, apprehend and commit to gaol, all felons and traitors; he shall execute all warrants, writs and other process, which by law shall appertain to the duties of his office, and which shall be directed to him by legal authority. He shall duly attend upon all courts of record, at their respective terms or sessions, in his county.

AR. ST. CLAIR,  
SAML. H. PARSONS,  
JAMES M. VARNUM.

—*Reprinted from "Laws passed in the Territory of the United States north-west of the River Ohio, from the commencement of the government to the 31st of December, 1791. Published by authority. Philadelphia. Printed by Francis Childs and John Swaine, M, DCC, XCII.," p. 7.*

*A LAW establishing a Court of Probate, published in the Territory of the United States north-west of the River Ohio, by his Excellency Arthur St. Clair, Esquire, Governour, and the Honourable Samuel Holden Parsons, James Mitchell Varnum, and John Cleves Symmes, Esquires, Judges, at the city of Marietta, the thirtieth day of August, in the thirteenth year of the Independence of the United States, Anno Domini one thousand seven hundred and eighty eight.*

There shall be appointed one judge of probate in each county, whose duty it shall be to take the proof of last wills and testaments and to grant letters testamentary and letters of administration and to do and perform every matter and thing that doth, or by law may appertain to the probate office, excepting the rendering definitive sentence and final decrees.

The judge shall hold four sessions in each and every year, and may adjourn from time to time, or appoint a special sessions, and at such place in the county as he may deem ex-

pedient, whenever the circumstances of the people may require it. The sessions for the county of Washington shall be holden at the city of Marietta upon the first Monday of January, April, August, and October annually. In all cases wherein it shall be necessary to render a definitive sentence, or to render a final decree, and upon a point contested, the judge shall call to his assistance, two of the justices of the court of common pleas of the same county; who, together with the judge shall constitute the court of probate; a majority of whom shall have power to render final sentences and decrees in all matters cognizable before said court; Provided however, that from every definitive sentence, and from every final decree, rendered by the court, there may be an appeal to the general court of the territory, the appellant giving bond with two sufficient sureties, to prosecute his appeal with effect, which appeal shall be entered upon the second day of the term of the court appealed to, and next holden for the county in which the appeal was taken.

The judge, previously to his entering upon the duties of his office, shall be sworn, before the governour, to a true and faithful discharge thereof.

The judge shall record last wills and testaments, and make entries of the granting of letters testamentary, and letters of administration; he shall receive, put on file, and carefully preserve all bonds, inventories, accounts, and other documents, necessary to be perpetuated in his office.

All bonds that by this law are, or by law shall be directed to be given in the court of probate, or probate office, shall be made to the judge, and shall be in trust, to and for the use of all persons concerned, or having interest therein: And the benefit thereof, shall be extended from time to time, to and for the relief of the party injured.

The judge shall deliver a certified copy of any bond taken by him as aforesaid, to any person interested, and requesting the same, and he shall also produce the original bond in court, upon any trial that shall be had for the breach of the condi-



tions thereof, whenever required by such court, and upon refusal, or delay herein, the judge shall forfeit and pay to the party injured treble damages. And there shall be appointed a clerk of said court of probate who shall be sworn to a faithful discharge of the duties of his office, before he enters into the execution thereof; and the clerk shall record all sentences and decrees of the court of probate, and make entries and records of all matters proper to be entered and recorded in his office.

AR. ST. CLAIR.

SAML. H. PARSONS.

J. M. VARNUM.

JOHN CLEVES SYMMES.

—Reprinted from "*Laws passed in the Territory of the United States north-west of the River Ohio, from the commencement of the government to the 31st of December, 1791. Published by authority. Philadelphia. Printed by Francis Childs and John Swaine, M, DCC, XCII.,*" p. 13.

A LAW appointing Coroners, published the 21st of December, 1788, by his Excellency Arthur St. Clair, Governour, the Honourable Samuel Holden Parsons, and James Mitchell Varnum, Esquires, Judges of the Territory of the United States north-west of the river Ohio.

A Coroner shall be appointed in each county within this territory, who shall be sworn to a faithful discharge of his office, and shall give bonds in the sum of two thousand dollars, with two sureties for the due performance of the same before he enters upon the duties thereof.

And it shall be the duty of the Coroner, by a jury of the county, to enquire concerning the death of a person slain, who dies suddenly or in prison, and his inquisition so taken he shall certify to the next general court holden within the county, or to the court of general quarter sessions of the peace holden for the county.

And it shall be the duty of the coroner to execute process of every kind wherein the sheriff is a party or interested in the suit, or for other just cause is by law rendered incapable to execute the same.

And in case the sheriff for any cause shall be committed to gaol, the coroner shall by himself or such person as he shall appoint, be keeper of the gaol during the time the sheriff shall remain a prisoner.

AR. ST. CLAIR.

SAML. H. PARSONS.

JAMES M. VARNUM.

—Reprinted from "*Laws passed in the Territory of the United States north-west of the River Ohio, from the commencement of the government to the 31st of December, 1791. Published by authority. Philadelphia. Printed by Francis Childs and John Swaine, M, DCC, XCII.,*" p. 32.

An ACT to augment the Terms of the County Courts of Common Pleas from two to four terms in the year, and to increase the number of Judges of the said Court, and also of the Justices of the Quorum in the several counties: Passed at Cincinnati in the county of Hamilton, the sixth day of November in the year of our Lord one thousand seven hundred and ninety, by his Excellency Arthur St. Clair, Esquire, Major-General in the late armies of the United States, and Governor and Commander in Chief of the Territory of the United States north-west of river Ohio, and the Honourable John Cleves Symmes and George Turner, Esquires, Judges in and over the said territory.

WHEREAS the sittings of the county court of common pleas in the several counties of this territory, have hitherto been limited to two terms only in a year, and which on experience hath been found to create great delays in the administration of justice, and the prosecution of suits to effect.

Sec. 1. *Be it therefore enacted*, That from and after the publication of this act, four terms of the county court of common pleas shall be held by the judges of the said court in each and every county respectively (that is to say) those for the county of Washington shall be held on the third Tuesdays in March and June, and the first Tuesdays in September and December yearly and every year. Those for the county of Hamilton, on the first Tuesdays in February, May, August and November, yearly and every year. Those for the county of St. Clair to be held as followeth (to wit) in the district of Kaskaskias on the first Tuesdays of January, March, June and August; those for the district of Cahokia on the first Tuesdays of February, April, July and October; and those for the district of Prairie du Rocher, on the first Tuesdays of May, August, November and February, yearly and every year. And those for the county of Knox on the first Tuesdays in February, May, August and November, yearly and every year.

And whenever the governor of this territory shall hereafter think proper to erect, or sett off any new county or counties in the same, he is hereby authorized and empowered to ascertain, specify and publish by proclamation, on what certain days in the year, and the place or places, in such new county or counties where the said county courts of common pleas, and also the courts of general quarter sessions of the peace, shall severally and respectively be opened and held in each and every year.

And whereas it appears that the number, as limited by law, of judges of the several county courts of common pleas is too small for the due administration of justice.

Sec. 2. *Be it therefore enacted*, That the governour and commander in chief of the territory for the time being is hereby authorized and empowered to nominate and commission in the several counties already erected, or which may hereafter be erected in the territory, any number of persons as judges of the county court of common pleas, not less than

three nor more than seven in each and every county. And the governour is hereby further authorized and empowered to increase the justices of the quorum in the several counties of the territory to any number not exceeding nine in each and every county thereof.

Sec. 3. *And be it further enacted*, That so much and such parts of the statute laws as have been heretofore published in the territory, and are repugnant to the principles and spirit of this act shall be and the same are hereby repealed.

AR. ST. CLAIR.

JOHN CLEVES SYMMES.

G. TURNER.

—*Reprinted from "Laws passed in the Territory of the United States north-west of the River Ohio, from the commencement of the government to the 31st of December, 1791. Published by authority. Philadelphia. Printed by Francis Childs and John Swaine, M, DCC, XCII," p. 45.*

*An ACT to authorize and require the Courts of General Quarter Sessions of the Peace, to divide the Counties into Townships and to alter the boundaries of the same when necessary, and also to appoint Constables, Overseers of the Poor, and Clerks of the Townships, and for other purposes therein mentioned. Passed at Cincinnati in the county of Hamilton, the sixth day of November, in the year of our Lord one thousand seven hundred and ninety, by his Excellency Arthur St. Clair, Esquire, Major General in the late armies of the United States, and Governor and Commander in Chief of Territory of the United States north-west of the river Ohio, and the Honourable John Cleves Symmes and George Turner, Esquires, Judges in and over the Territory aforesaid.*

Sec. 1. *Be it enacted*, That as soon as may be after the publication of this act, the justices of the court of general



quarter sessions of the peace in the several counties within this territory, shall in their sessions respectively, proceed to divide the said counties into townships, assigning to such townships respectively such limits and bounds, natural or imaginary as shall appear to be most proper, having due regard to the extent of country, and number of inhabitants residing within the same; and the said townships or any of them to subdivide from time to time whenever the interest and convenience of the inhabitants thereof may seem to require it. And the justices in session as aforesaid shall cause their clerk of the court to enter of record on the docket of the same court the particular time when each township is set off and the specific boundaries assigned thereto.

Sec. 2. *And be it enacted*, That the said justices in session in each and every county shall respectively nominate and appoint annually in every township within their county, one or more constables, each of whom shall continue to serve as a constable of the township specially, as a constable of the county generally for the term of one year next ensuing his appointment; and his power and duty shall be to serve all such summonses, warrants, subpoenas, mittimus, and other lawful precepts, as shall be directed to him specially, or to him generally with the others, or any constable of the county, and be put into his hand for the purpose of service. And generally to do and perform all duties and services incumbent on him as an officer of the township or county, or of the several courts of law, and justice which may from time to time be appointed and held in the county for which he may be a constable; and furthermore to do all and singular the duties now or hereafter to be enjoined by law.

And every person accepting the office of constable shall before he enters on the duties thereof take the following oath before the court of general quarter sessions, or (in the vacation thereof) before a justice of the peace, who shall enter the same on his docket, that is to say, "I, A B, do solemnly and sincerely swear that I will faithfully and truly do my

duty as constable of the county of C. and impartially demean myself in office, according to my best understanding. So help me God." And where any person accepting such office of constable shall declare himself conscientiously scrupulous against taking an oath, then the following affirmation shall in like manner be administered instead thereof, that is to say, "I, A B, do solemnly, sincerely and truly declare and affirm that I will faithfully and truly do my duty as a constable of the county of C. and impartially demean myself in office, according to my best understanding," which affirmation shall be entered on the docket of the justice administering the same.

Sec. 3. *And be it further enacted*, That the said justices in session in their respective counties, shall annually appoint one or more overseers of the poor in each and every township of the county, to serve for the term of one whole year, and it shall be the duty of every such overseer to make report to any justice of the peace in and for the county, of all vagrant persons likely to become chargeable to the township for which he is appointed overseer, and also to take notice of all the poor and distressed families and persons residing in his proper township, and enquire into the means by which they are supported and maintained. And whenever he shall discover any person or family really suffering through poverty, sickness, accident, or any misfortune or inability, which may render him, her, or them a wretched and proper object of public charity, it shall be his duty, and he is hereby strictly enjoined to give immediate information thereof to a justice of the peace, acting in and for the same county, that legal means may be then taken by such justice to afford the person or persons so suffering proper and seasonable relief. And every overseer of the poor appointed as aforesaid shall take the same oath or affirmation according to his conscience, to be administered and entered by the same authority, and in the same manner as is prescribed in this act for a constable, changing only the words "a constable," to the words "an overseer of the poor," and the word "county," to that of "township."

Sec. 4. *And be it enacted*, That the justices in session as aforesaid shall appoint in each township throughout the several counties respectively, a clerk of the township during good behaviour, whose duty it shall be to keep a fair book of entries, containing the particular marks and brands assumed for distinguishing the horses, cattle, hogs, or other beasts of such inhabitants of the township as may choose to be at the expense of thus registering the same, and the name and particular place of abode of every such inhabitant shall at the same time be entered therein. And for every mark or brand so registered, the clerk of the township shall be entitled to demand and receive of the person employing him the sum of one quarter of a dollar, and no more. And that it may be readily known to what particular township estrays belong, the justices in session as aforesaid shall assign to each and every township a distinct letter of the alphabet to be taken and used, as the peculiar and general brand of the same township by all the inhabitants thereof, who shall cause the form of such letter to be impressed upon one or both of the horns of every bull, cow, and ox, and upon one or both of the shoulders of every horse, mare and colt, to such inhabitants respectively belonging. And moreover the clerk of the township shall keep another book in which he shall enter from time to time every estray that may be reported to him for that purpose, describing the natural and artificial marks, as well as the colour, sex, age, and stature of every such estray, as far as the same shall come to his knowledge, together with the name of the person taking up such estray, and where it may be found. And for every estray so entered by the clerk he shall be entitled to demand and receive of the person at whose instance such entry was made, the sum of half a dollar and no more, and thereupon it shall be the further duty of such clerk, to make out in writing as soon as may be afterwards two or more fair and legible copies of an advertisement describing such estray as entered in his said book, and informing when and where the same was taken up,

and where it may be found, one of which copies shall be put up in some conspicuous part of his dwelling house, and the other copy thereof he shall cause to be put up in some conspicuous part of the town, or place where the courts of justice are usually held in and for the same county.

Sec. 5. *And be it further enacted*, That if any person or persons shall take up any estray within the meaning of this act, and shall not within seven days thereafter give or send notice thereof to the then nearest clerk of the township, particularly describing such estray, with the time and place when and where the same was so taken up and where it is to be found, he, she or they so offending shall forfeit and pay to the party informing the sum of eight dollars, to be recovered with costs before any judge of the county court of common pleas, and moreover shall be liable to the action of the proper owner of such estray, and upon conviction shall pay double damages, anything in this or any other act of the territory contained to the contrary notwithstanding.

AR. ST. CLAIR.

JOHN CLEVES SYMMES.

G. TURNER.

—*Reprinted from "Laws passed in the Territory of the United States north-west of the River Ohio, from the commencement of the government to the 31st of December, 1791. Published by authority. Philadelphia. Printed by Francis Childs and John Swaine, M, DCC, XCII."* p. 47.

*An ACT creating the Offices of Treasurer General of the Territory and Treasurers for the Counties passed at Cincinnati in the county of Hamilton the first day of August in the year of our Lord one thousand seven hundred and ninety-two by Winthrop Sargent Secretary vested with all the powers of the Governour in the absence of the Governour*



*of the Territory northwest of the river Ohio and John Cleves Symmes and Rufus Putnam Judges of the same.*

Sec. 1. *Be it enacted* That, etc. \* \* \* \* \*

Sec. 6. *And be it also enacted* That there shall be appointed and commissioned in and for each and every county in the territory an officer to be stiled the County Treasurer.

Sec. 7. It shall be his duty to receive and keep for the use of the county of the proper persons who ought to pay the same all monies due and owing at any time to the county or accruing to the use thereof. He shall pay or cause to be paid the same monies or such part thereof as may come to his hands in the manner and to the purposes directed by law. And for the faithful discharge of the trust and duties hereby enjoined on him the said county treasurer shall give bond with two sufficient sureties to the governour for the time being in the sum of one thousand five hundred dollars.

Sec. 8. And each county treasurer by means of the attorney-general or person officiating as such in his county shall have power and he is hereby authorized to enforce the payment of all dues fines amercements forfeitures revenues and emoluments which are or may hereafter be due given coming or accruing to the use of the county in the same manner as the treasurer-general is by this act authorized to do in respect of monies due or accruing to the use of this territory.

Sec. 9. He shall annually lay before the legislature of the territory an account of all monies that shall have been raised in the county to which he belongs by assessment or by any other way or means by him received as county treasurer and how the same has been disposed of. And no further assessment shall be made on the several towns and places in the county to which he belongs until the said amount has been offered to the legislature and allowed by them.

Sec. 10. As a compensation for all services and expenses incidental to his office the said county treasurer shall and may

retain for his own use out of all the public monies as the same shall come to his hands a sum after the rate of five per centum.

Signed  
WINTHROP SARGENT  
JOHN CLEVES SYMMES  
RUFUS PUTNAM.

—*Reprinted from "Laws passed in the Territory of the United States north-west of the River Ohio, from July to December, one thousand seven hundred and ninety-two, inclusive. Published by authority. Philadelphia: Printed by Francis Childs and John Swaine, Printers of the Laws of the United States. M, DCC, XCIV."* p. 13.

*An ACT directing the manner in which Money shall be raised and levied to defray the Charges which may arise within the several Counties in the Territory passed at Cincinnati the first day of August in the year of our Lord one thousand seven hundred and ninety-two by Winthrop Sargent Secretary and now vested with all the powers of the Governour of the Territory northwest of the river Ohio and John Cleves Symmes and Rufus Putnam Judges.*

Sec. 1. *Be it enacted* That the Court of General Quarter Sessions of the Peace at the last term which shall be held within each of the counties next preceeding the first day of January annually shall make an estimate of such sum or sums of money as they according to their best skill and judgement shall think sufficient to defray the necessary charges of their respective counties for one year specifying as nearly as may be the purposes for which such sum or sums may be necessary and which may properly be considered as county charges which estimate the clerk of the said court is hereby directed to lay before the governour and two or more of the judges of the territory from time to time as soon as may be after such

estimate shall have been formed so that such sum as may be necessary for the purposes aforesaid and approved of by the legislature may be laid on the inhabitants of each county respectively.

Sec. 2. *And be it enacted* That the sums which shall from time to time be allowed by the legislature and laid on the several counties for the purposes aforesaid shall be apportioned on the inhabitants of the several towns or districts within the respective counties by commissioners annually to be appointed by the Judges of the Court of Common Pleas and the number of said commissioners shall be ascertained by the following rule. In every town or district one commissioner shall be appointed and when any town or district shall consist of sixty male inhabitants of twenty one years of age and upwards they shall have two commissioners and if of one hundred such inhabitants or more they shall have three commissioners. And the said commissioners when appointed shall meet at a time and place to be ascertained by the said judges of the Court of Common Pleas and proceed to apportion the said sum or sums to be allowed by the legislature on the inhabitants of the said towns or districts within the respective counties as aforesaid in which apportionment the said commissioners shall have special respect to wealth and numbers and may direct the whole assessment to be made in money or specific articles most agreeable with the necessity of the public and convenience of the people. And the better to enable the commissioners to make such apportionment consistent with equity and the abilities of the people they are hereby empowered to take a list of the male inhabitants from eighteen years old and upwards with stocks of cattle yearly value of improved lands and every other species of property which may be in the county and ought to affect the apportionment.

Sec. 3. *And be it further enacted* That the said judges of the Court of Common Pleas in each county respectively may and they are hereby authorised and required annually to

appoint in each township village or district three judicious men two of whom shall have power to assess and apportion on the inhabitants of their respective towns villages and districts for which they may be appointed assessors the sum or sums which by order of the commissioners is directed to be assessed on the inhabitants of such town village or district.

Sec. 4. And the said assessors in making any assessment by virtue of this law shall assess the individuals of their town village or district according to the best of their judgement in just proportion to their wealth in the county and ability to pay either in money or specific articles agreeable to the order of assessment they shall receive from the commissioners and all assessors appointed as aforesaid shall severally take the following oath before one of the justices of the peace in the county viz. "I do solemnly and sincerely swear (or affirm as the case may be) that I will to the best of my judgement and information impartially and faithfully execute the office of assessor in the township of agreeably to law and justice so help me God."

Sec. 5. *And be it further enacted* That all appointments of commissioners and assessors under this law shall be for one year only and any person not being an officer of the territory appointed assessor refusing to take the oath or affirmation and do the duties of his appointment shall pay a fine of twenty dollars for the use of the county where he belongs and the said judges shall appoint another in his stead. Provided that no man shall be compelled to serve as assessor more than one year in three.

Sec. 6. *And be it further enacted* That within the time limited by the order of assessment the assessors of each township village or district shall lodge with the prothonotary of the Court of Common Pleas a list of the assessment by them made in pursuance of such order of assessment under their hands and seals on penalty of paying a fine not exceeding fifty dollars each to the use of the county. And the prothonotary shall from the assessor's list lodged as aforesaid make out a



duplicate thereof with a warrant of distress under his hand and the seal of the court directed to the sheriff or constable or to such other person as the Court of Common Pleas shall appoint requiring him to collect and pay the same to the treasurer of the county for the use of the county as aforesaid.

Sec. 7. *And be it further enacted* That if any person shall refuse to pay the sum or sums which he shall be assessed as his proportion of any rate or assessment laid as aforesaid (to defray the expenses of the county to which he belongs) in the list or duplicate committed to any sheriff constable or collector by virtue of the warrant to him given it shall and may be lawful for such sheriff constable or collector and he is hereby authorized and required in such case to distrain the person so refusing by his goods or chattels and the distress so taken to keep for the space of four days at the cost and charges of the owner thereof and if the owner do not pay the sum or sums of money so assessed on him (or if the tax be in specific articles he do not deliver or tender the same at the place assigned) within the space of four days then the said distress shall be openly sold at public auction by the said officer for the payment of the said money notice of such sale being set up in some public place in the same town village or district forty-eight hours before the sale and after the expiration of the four days aforesaid. And the overplus arising by such sale if any over and above the charges of taking and keeping the said distress to be immediately returned to the owner with an account in writing of the sale and charges thereon.

Sec. 8. *And be it also enacted* That if any person assessed as aforesaid shall refuse or neglect to pay the sum or sums so assessed for the space of twelve days after demand thereof being made and shall also neglect to shew to the officer sufficient goods or chattels whereon distress may be levied in every such case the officer may take the body of the person so refusing into his custody and him commit to the common

jail of the county there to remain until the same be paid or he be thence delivered by due order of law. And the keeper of the jail in the several counties is hereby authorised and required to receive such delinquent into the common jail as aforesaid. Provided nevertheless that in all cases where in the opinion of two or more justices of the peace there is just ground to fear that any person or persons assessed as aforesaid may abscond before the expiration of the said twelve days in such case it shall be in the power of the sheriff constable or collector to demand immediate payment and proceed as is heretofore directed.

Sec. 9. *Provided always and be it further enacted* That if any person or the inhabitants of any town village or district shall think himself or themselves unequally or unreasonably assessed if the inhabitants of a town village or district they may by petition apply to the judges of the General Court judges of the Court of Common Pleas in the county where such town village or district lies or justices of the court of General Quarter Sessions of the Peace who are hereby empowered in their several courts to abate or remit the sum in which the complainants are assessed or which was apportioned on them or such part thereof as they shall judge ought to be abated or remitted and an order of the Supreme Judicial Court of the Court of Common Pleas or of the Court of General Quarter Sessions of the Peace shall be a sufficient warrant to the treasurer of the county to discount or repay the same. And if the complaint be against the assessors for the unequal assessment of individuals they may petition the judges of the Supreme Court the judges of the Court of Common Pleas or the justices of the Court of General Quarter Sessions of the Peace who are hereby empowered in their respective courts to redress the grievances complained of if any exist and the person in whose hands the money or specific articles may be which are so remitted or abated shall restore the same to the person in whose favor

redress is allowed on the order of either of the aforesaid courts.

Signed            WINTHROP SARGENT  
                     JOHN CLEVES SYMMES  
                     RUFUS PUTNAM.

—*Reprinted from "Laws passed in the Territory of the United States north-west of the River Ohio, from July to December, one thousand seven hundred and ninety-two, inclusive. Published by authority. Philadelphia: Printed by Francis Childs and John Swaine, Printers of the Laws of the United States. M, DCC, XCIV.," p. 16.*

*An ACT for opening and regulating High Ways passed at Cincinnati in the county of Hamilton the first day of August in the year of our Lord one thousand seven hundred and ninety-two by Winthrop Sargent Secretary now vested with all the powers of Governour and John Cleves Symmes and Rufus Putnam Judges.*

Sec. 1. *Be it enacted* That whenever a petition signed by twelve or more citizens dwelling within any county in the territory shall be presented to the justices specially named in the commission for holding the court of General Quarter Sessions of the Peace for such county while in session praying the said court to order a public high-way to be laid out through a particular part of the same county the said justices are hereby authorised and required to order a proper surveyor with two other men to repair to the ground pointed out in the said petition and at the proper expense of the petitioners to view and survey the same truly measuring the distance noting the several courses monumenting and numbering every mile's end conspicuously marking or blazing the trees through the whole length of the way and erecting monuments where there shall happen to be no trees which survey so made shall be reported

to the next sessions of the court and if no sufficient objections to such proposed high-way are presented to the said court at the same sessions to which such report shall be made then the justices aforesaid shall on the last day of their sitting in such sessions cause such report to be entered of record filing at the same time the original in the office of the clerk of the said court.

Sec. 2. And thereupon the justices shall order the supervisors of high-ways in the several townships in the said county or of such townships as they in their discretion may think proper and contiguous thereto to open such high-way in such proportions as the said justices may think right and equitable each supervisor with the inhabitants of his own township opening and rendering commodious for traveling a given distance or proportion assigned by the justices of the said road or high-way according to the greater or less number of citizens in each township whose inhabitants may be ordered to assist in opening the said high-way.

Sec. 3. *And be it enacted* That where objections against the opening of such high-way shall be presented to the said justices in due time as aforesaid they shall appoint three disinterested men of the county who at the proper expense of such objectors or opposers of the proposed highway shall repair to the ground and impartially view and examine the same and according to their best and most candid judgement make report in writing to the said justices at their next succeeding sessions of the propriety or impropriety usefulness or inutility of such road or proposed high-way after the reading and due consideration of which the said justices may proceed according to their judgement and order the said road to be established and laid out according to the prayer of the first petitioners or for that time reject the high-way and dismiss the petition.

Sec. 4. *And be it further enacted* That the said justices in every county as soon as may be after the publication of this act in the several counties respectively shall proceed in their



sessions to appoint once every year a proper number of supervisors overseers of the high-ways in each and every township in the several counties or districts whose province and duty it shall be to obey the orders of the said justices for the laying out of high-ways whenever such orders shall be given in manner aforesaid. And it shall also be the duty of the said supervisors of the high-ways to superintend all public roads and high-ways in the township for which they may be assigned supervisors or overseers and keep them in proper repair and fit for the use of travellers and passengers by the labour and assistance of the inhabitants of the township in which they may severally be supervisors. And in case of omission of this their duty each defaulting supervisor of the high-ways shall be liable and subjected to a fine of five dollars for each and every default to be recovered with costs for the use of the township by any person who will prosecute for the same for the purpose of aiding the inhabitants of such town to form causeways and smaller bridges where it may be necessary to hire teams for the drawing of timber therefor which fine shall be inflicted by any justice of the peace to whom complaint is made.

Sec. 5. *And be it further enacted* That every male inhabitant of sixteen years of age and upwards on being duly warned to work on the high-ways by the supervisor in the township to which such inhabitant may belong shall repair to the place and at the time by the said supervisor appointed with such utensils and tools as may be ordered him wherewith he is to labour and there abide and obey the direction of such supervisor during the day in opening and repairing the high-way. And this duty every male as aforesaid shall be subject to perform so many days not exceeding ten in each year as may in the opinion of the supervisor be necessary for the opening of new and repairing of old high-ways. Provided always that only an equal number of day's labour shall be exacted from any such citizen all such male inhabitants serving alike either in person or by procuring a good hand to labour in their stead or by their team to the acceptance of the supervisor.

Sec. 6. And in case any male inhabitant as aforesaid upon receiving three day's notice thereto by the proper supervisor of the high-way shall neglect or refuse to attend at the time and place which may be appointed as aforesaid or shall waste the day in idleness and inattention to the duty assigned him such delinquent shall forfeit and pay to the supervisor who warned him to work fifty cents for the sole benefit of the said supervisor for every such default to be recovered with costs by an action of debt in any court where the same may be cognizable and moreover be further liable to work an equal number of days yearly on the high-way with the other male inhabitants of the township in the same manner as though no such default had been made.

Sec. 7. And where the delinquent person shall happen to be a minor apprentice or servant the father guardian or mother of such minor or the master of such apprentice or servant (as the case may be) so making default shall become liable to the action in the same manner as though they were principal defaulters.

Sec. 8. *And be it enacted* That when in the opinion of the said justices it may be necessary to have constructed and built within the county a bridge or bridges of larger dimensions and such as cannot be erected but at considerable expense the building of which would be an unreasonable burthen to the inhabitants of any township singly in such case the said justices are hereby authorized to make an estimate of the probable expenses which will accrue by building such large bridge or bridges as aforesaid which shall be included in the general estimate of county charges yearly to be made and submitted to the consideration of the legislature.

Signed

WINTHROP SARGENT  
JOHN CLEVES SYMMES  
RUFUS PUTNAM.

—Reprinted from "*Laws passed in the Territory of the United States north-west of the River Ohio, from July to December, one thousand seven hundred and ninety-two, in-*

*clusive. Published by authority. Philadelphia: Printed by Francis Childs and John Swaine, Printers of the Laws of the United States. M, DCC, XCIV," p. 21.*

*An ACT directing the building and establishing of a Court-house County Jail Pillory Whipping-post and Stocks in every county. Passed at Cincinnati in the county of Hamilton, the first day of August in the year of our Lord one thousand seven hundred and ninety two by Winthrop Sargent Secretary now vested with all the powers of the Governor and John Cleves Symmes and Rufus Putnam Judges.*

Sec. 1. *Be it enacted* That as soon as provision can be made therefor agreeably to "An Act directing the manner in which money shall be raised and levied to defray the charges which may arise within the several counties in the territory" there shall be erected and established in each and every county not having the same already established therein a good and convenient court-house for the legal adjudication of causes and a strong and sufficient common jail or prison for the reception and confinement of debtors and criminals well secured by timber iron bars grates bolts and locks and also a pillory whipping-post and so many stocks as may be convenient for the punishment of offenders and every jail so to be erected shall consist of two apartments one of which shall be appropriated to the reception of the debtors and the other shall be used for the safe keeping of persons charged with or convicted of crimes.

Sec. 2. *And be it enacted* That every court-house and jail to be erected as aforesaid shall be formed of such materials and to such dimensions and on such plans as shall be directed by the judges of the County Court of Common Pleas or a majority of them in each county who are hereby authorised to plan and project the same and to accept as a gift or to purchase for the use of the county so much ground as they

may judge convenient and necessary whereon to build all or any of the structures aforesaid which purchase money shall be defrayed by the county and laid in the estimate hereafter directed to be made.

Sec. 3. *And be it enacted* That the said judges of the Common Pleas or a majority of them in each and every county shall appoint two commissioners of industry and knowledge sufficient to plan and execute the work necessary for carrying this law into effect by drawing the draught superintending the foundation and erecting and completing of such court-house jail pillory whipping-post and several stocks respectively and for the faithful discharge of their duty in this behalf the said commissioners shall enter into bonds of two hundred dollars with sufficient sureties to the judges of the Common Pleas in trust for the county well and truly to account with the said judges as often as they may thereunto be required by them for the disposition of all money and other property by them received from time to time from the judges or the treasurer of the county or from any other person or by any means whatever for the purpose of aiding or assisting in building the said court-house jail and other structures in the county to which the commissioners may severally belong and on default in the commissioners for want of attention or competent knowledge to carry on the work with propriety the said judges shall have power to discharge one or both of them and place others in their stead taking the same surety from them.

Sec. 4. *And be it also enacted* That every county now or hereafter to be erected and laid off within the said territory shall defray all expenses that may attend the building and keeping in good and sufficient repair within itself the court-house jail pillory whipping-post and stocks hereby ordered and to this purpose for the greater forwarding of the business it shall be lawful for the judges aforesaid and they are hereby authorised to draw out of the hands of the treasurer of the county any sums of money which he may have received



belonging to the county not otherwise appropriated and the said judges are hereby directed to apply the same wholly to the purposes of making preparations for and advances towards building the said court-house and jail but in every county where there is no jail already provided the judges shall first appropriate all the monies they may draw from the treasurer towards building and finishing a proper jail for the reception of debtors and criminals. And the treasurer of each and every county is hereby authorized and directed to pay to the said judges or on their order to the commissioners any sum or sums of money which he may have received belonging to the county and not otherwise appropriated always taking duplicate receipts for all payments by him made to the judges or to the said commissioners by order of the judges one of which receipts the treasurer shall lodge with the clerk of the Court of General Quarter Sessions.

Sec. 5. *And be it enacted* That in order to make sufficient provision in each county of labour money and proper materials necessary for the several purposes aforesaid the justices of the Court of General Quarter Sessions of the Peace or a majority of them in each county shall make out an estimate of the probable expenses attending the carrying into effect the aforesaid several buildings and shall lay the same before the governor and judges of the territory as soon as may be after such estimate can be made that the legislature may direct the raising of the same or such part thereof as they may deem necessary.

Signed            WINTHROP SARGENT  
                      JOHN CLEVES SYMMES  
                      RUFUS PUTNAM.

—*Reprinted from "Laws passed in the Territory of the United States north-west of the River Ohio, from July to December, one thousand seven hundred and ninety-two, inclusive. Published by authority. Philadelphia: Printed by Francis Childs and John Swaine, Printers of the Laws of the United States. M, DCC, XCIV."* p. 26.

*An ACT for the better regulation of Prisons passed at Cincinnati in the county of Hamilton the first day of August in the year of our Lord one thousand seven hundred and ninety-two by Winthrop Sargent Secretary and now vested with all the powers of the Governour and John Cleves Symmes and Rufus Putnam Judges.*

Sec. 1. *Be it enacted* That where the escape of any prisoner in a civil or quitam action shall happen through the insufficiency of the jail or the negligence of the sheriff or jailer the sheriff of the county in which the escape happens shall stand chargeable to the plaintiff creditor or other person at whose suit or for whose debt he or she was committed or to whose use any forfeiture was adjudged against such prisoner.

Sec. 2. And in case the escape shall happen through the insufficiency of the jail the Court of Common Pleas in the county shall have power and authority hereby to assess the sum or sums for which such prisoner stood committed upon the inhabitants of the county in the same manner as is directed by the act entitled "An Act directing the manner in which money shall be raised and levied to defray the charges which may arise within the several counties in the territory" and to order the county treasurer to pay the same when collected to the sheriff of the county that the sheriff may be indemnified.

Sec. 3. And if the Court of Common Pleas shall not cause such assessment to be made and if the treasurer shall not pay such sum or sums of money within six months next after the demand shall be laid before the said court then the sheriff of the county may bring his action against the inhabitants of such county to be heard and tried either in that or in one of the adjoining counties at the election of the plaintiff and an attested copy of the writ being left (thirty days before the sitting of the court where the action is brought) with the county treasurer by the coroner of the same county shall be held and adjudged to be sufficient and legal service of the writ and notice of the suit. And the justices of the Court of

General Quarter Sessions of the Peace shall have full power to appoint an agent or attorney to appear on behalf of the county and defend such action and if judgment shall be given against the county the contents thereof may raised by execution levied upon the monies belonging to the county and then in the hands of the county treasurer which shall be made manifest by the said treasurer's books for which purpose the officer having the execution shall have leave of the treasurer in his presence to peruse his books and examine his accounts with the county and if the county funds then in the hands of the treasurer shall be found insufficient to discharge the execution and costs thereon then so much of the monies which the treasurer may next afterwards receive belonging to the county as may be necessary to discharge the balance on the execution and costs shall be and are hereby pledged attached and bound by virtue of such execution and shall be immediately paid over by the treasurer so soon as they come to his hands until such execution be fully discharged.

Sec. 4. *And be it further enacted* That if any person or persons shall directly or indirectly by any ways or means howsoever without the knowledge or privity of the keeper convey any instrument tool or other thing whatsoever to any prisoner or into any prison whereby any prisoner might break the prison or work himself or herself unlawfully out of the same every person so offending shall forfeit and pay such fine as by the direction of the court shall be imposed not exceeding one hundred dollars according to the nature of the cause of the prisoner's commitment or suffer such corporal punishment not exceeding forty stripes as the court shall inflict and if it shall so happen that any prisoner shall make his or her escape by means of any instrument tool or other thing so conveyed without the knowledge and privity of the keeper the person so conveying the same shall be liable to pay all such sums of money as the prisoner stood committed for if on civil process and shall also have inflicted upon him or her all such punishment as the escaped prisoner would be liable unto

if a criminal and had been convicted of the charge for which he or she had been committed unless such prisoner would be liable to capital punishment in which case the person assisting in such escape shall be punished by fine imprisonment whipping pillory or setting on the gallows with a rope about his or her neck or any one or more of the said punishments as the court having cognizance thereof shall think proper to inflict.

Sec. 5. *And be it further enacted* That if any jailer or prison-keeper shall voluntarily suffer any prisoner committed unto him to escape he shall suffer and undergo the like pains punishment and penalties as the prisoner so escaping should or ought by law to have suffered and undergone for the crime or crimes wherewith he stood charged if he had been convicted thereof. And if any jailer or prison-keeper shall through negligence suffer any prisoner accused of any crime to escape he shall pay such fine as the justices of the court before whom he is convicted shall in their discretion inflict according to the nature of the offence for which the escaped prisoner stood committed.

Sec. 6. *Provided nevertheless* That if any person who may be committed for debt shall violently escape from prison without connivance of the sheriff or keeper and the sheriff the jailer or the prison-keeper shall within three months next after such escape recover the prisoner so escaped and recommit him to prison again then the sheriff shall be liable to nothing farther than the costs of such action or actions as may have been commenced against him for such escape.

Sec. 7. *And be it further enacted* That all warrants mittimus writs and instruments of writing of any kind or the attested copies of them by which any prisoner may be committed enlarged or liberated shall be safely kept (regularly filed in their order of time) in a suitable box for the purpose provided by the keeper of the jail under the sheriff's direction and upon the death or removal of any sheriff the box with the contents thereof shall be delivered to his successor in the office on the penalty of one hundred and fifty dollars to be



paid by the sheriff removed or his executors or administrators in case of the death of the sheriff to be recovered by any person who shall prosecute therefor to effect in any court having jurisdiction to try the same.

Sec. 8. And it shall be the duty of the said justices at the beginning of every Court of Quarter Sessions of the Peace to enquire into the state of the prisons in their respective counties with regard to the sufficiency of such prisons the condition and accommodation of the prisoners and shall from time to time take such legal measures as may best tend to secure the prisoners from escape sickness and infection and to have the jails cleansed from filth and vermin.

Sec. 9. The sheriff shall keep separate rooms for the sexes except where they are lawfully married and be responsible that his jailer at all times provide proper meat and drink for all criminals committed to the prison of the county if such prisoners have no other convenient way of supplying themselves with provisions which shall always pass to them through the keeper's hands and in every case where the sheriff or jailer shall be at the expense of furnishing meat drink or fire-wood to a prisoner in jail for a crime or at the suit of the United States who is not of sufficient ability in point of property to repay or indemnify such sheriff or jailer their reasonable expense and charges for supplying such prisoner in every case the sheriff or jailer shall make out his account thereof and on oath shall testify the truth of the same before the justices of the Court of General Quarter Sessions of the Peace who shall tax the same as they shall think just and reasonable and lay the amount thereof in the yearly estimate of county charges to be submitted to the legislature for their allowance.

Sec. 10. *And be it enacted* That in every case where any person is committed to prison in a civil action either on mesne process or in execution for debt trespass slander or other cause of action at the suit of one citizen against another or at the suit of an alien ally against a citizen or at the suit of a citizen

against an alien ally in every such case it shall be the duty of the sheriff to provide only the daily bread and water of such prisoner and he is hereby directed to furnish the same regularly to every such prisoner who is not of sufficient ability in point of property to provide for his or her own support while in prison and the expense and charges accruing to the sheriff or jailer herein shall be repaid to him by the prisoner so soon as the prisoner shall be liberated from the jail for the recovery of which the sheriff or jailer shall have his action at law against the prisoner in any court where the same may be cognizable and when any prisoner shall be committed to jail in a civil action as aforesaid and shall provide for his or her own support in a way wherein the sheriff or jailer shall have no concern it shall be the duty of the jailer or prison-keeper to admit to the wicket grate or small window of the prison in which such prisoners shall be confined any person who may come to administer to the wants of such prisoner by furnishing him or her with meat and drink which shall be conveyed through such small window or grate that the security of the prison be not too frequently exposed by opening the doors thereof.

Sec. 11. *And be it enacted* That all fines and penalties arising upon the breach of this act shall be for the use of the county where the offence is committed or the duty neglected and the same remedy shall be had for the recovery thereof as in other cases where duties are enjoined by statute and no particular mode of prosecution directed. In cases of default it shall be the duty of the attorney prosecuting the pleas of the United States to prosecute for the same either by writ or on indictment and the fine when recovered shall be paid to the county treasurer for the use of the county.

Signed

WINTHROP SARGENT  
JOHN CLEVES SYMMES  
RUFUS PUTNAM.

—*Reprinted from "Laws passed in the Territory of the United States north-west of the River Ohio, from July*

to December, one thousand seven hundred and ninety-two, inclusive. Published by authority. Philadelphia: Printed by Francis Childs and John Swaine, Printers of the Laws of the United States. M, DCC, XCIV.,” p. 29.

*An ACT for the disposition of Strays passed at Cincinnati the first day of August in the year of our Lord one thousand seven hundred and ninety-two by Winthrop Sargent Secretary now vested with all the powers of the Governour and John Cleves Symmes and Rufus Putnam Judges.*

Sec. 1. *Be it enacted and it is hereby enacted* That the open woods and uninclosed grounds within the territory shall be taken and considered as the common pasture or herbage of the citizens thereof, saving to all persons their right of fencing.

Sec. 2. And if any person after the first day of March and before the first day of December yearly and every year shall take up or confine lead ride or drive away any domestic animal of any kind running in the uninclosed grounds of the territory and committing no trespass he she or they so taking up or molesting such beast unless such animal be previously advertised by the owner as a stray shall forfeit and pay to the owner of the beast ten per cent. on the value of the said beast which valuation shall be made by the judge or jury before whom the cause is tried and moreover return the animal to the owner without delay and the owner shall have an action in replevin for the beast and shall also recover such further damages and costs as the court may adjudge where the action is brought and the court shall award execution accordingly.

Sec. 3. And if any person or persons shall presume to take up and lead ride or drive away any beast running in uninclosed grounds as aforesaid and shall convey the same out

of the county such person so offending shall be indicted therefor at the suit of the United States and on conviction shall suffer such imprisonment fine or corporal punishment (not extending to life or limb) as the justices of the court shall inflict and shall also pay to the owner of the beast when known double the value of the same together with costs of suit to be recovered in any court where cognizable.

Sec. 4. And whenever any beast shall break into any enclosure surrounded by lawful fence the owner of such field or some other person under his or her authority may take up and secure the said beast agreeably to the act entitled “An Act regulating the enclosures of grounds.” And on all such occasions the clerk of the township shall (after raising damages charges and costs from the sale of one or more of the beasts agreeably to the aforesaid act) cause the remaining beasts if any to be turned again into the open woods or commons at all times from the first day of March to the first day of December.

Sec. 5. *And be it enacted* That from and after the first day of December to the first day of March yearly and every year it shall be lawful for any citizen of the territory finding horses or neat cattle running astray in the woods or commons or trespassing for whom there shall appear no owner living within six miles of the place to take up and secure such stray and convey it so soon as may be done to the clerk of the township in which such stray is found and deliver it to him agreeably to the act entitled “An Act to authorize and require the Courts of General Quarter Sessions of the Peace to divide the counties into townships and to alter the boundaries of the same when necessary and also to appoint constables overseers of the poor and clerks of townships and for other purposes therein mentioned,” for which service the person driving such strays to the clerk of the township shall be entitled to receive from him on the sale of the strays five cents on the dollar value of the strays delivered and the clerk shall appraise the same and give a certificate thereof.



Sec. 6. And the clerk of the several townships respectively whenever any stray shall be brought to him shall forthwith receive the same into his charge and care and provide for its proper keeping and support at as reasonable a rate as the same can be procured and shall proceed without delay to advertize agreeably to the last mentioned act. And after continuing such advertisements six weeks and no owner appearing to prove property before the nearest justice of the peace and pay the charges in such case the clerk shall proceed to sell the said stray at vendue and on the sale and delivery of every such beast he shall give to the purchaser a certificate thereof descriptive of the beast with a receipt for the money paid therefor which certificate shall be evidence of title for the same to the purchaser.

Sec. 7. And the clerk of the township shall in all cases have five cents in the dollar value for his services if the beast be reclaimed before sale and ten cents in the dollar value if the stray be sold agreeably to law and after deducting his own fees as also the charges of keeping the stray and the allowance made herein to the person bringing in the stray the clerk shall pay the residue of the proceeds of sale to the treasurer of the county for the use of the county taking his receipt therefor which he shall transmit to the clerk of the Court of Quarter Sessions for the county. And on default thereof in the town clerk he shall be liable to an action for such sum with costs at the suit of the county treasurer in any court where the same may be cognizable.

Sec. 8. And if after sale as aforesaid the owner of such stray shall by tracing out the property discover it to have been sold by the clerk as aforesaid and the proceeds of the sale deposited in the hands of the county treasurer such owner may apply to the justices of the Court of Quarter Sessions and exhibit before them the proofs of title to such stray and if in the opinion of the said justices such claimant had title in the stray at the time of sale the said justices may and are hereby authorised to issue their order under the hand of the

clerk and the seal of the court directing the county treasurer to repay the money that came to his hands by the sale of such beast and the county treasurer is hereby directed to obey such order.

Sec. 9. *And be it further enacted* That so much of the act entitled "An Act to authorise and require the Court of General Quarter Sessions of the Peace to divide the counties into townships and to alter the boundaries of the same when necessary and also to appoint constables overseers of the poor and clerks of townships and for other purposes therein mentioned" as is repugnant to this law be and the same is hereby repealed.

Signed

WINTHROP SARGENT  
JOHN CLEVES SYMMES  
RUFUS PUTNAM.

—*Reprinted from "Laws passed in the Territory of the United States north-west of the River Ohio, from July to December, one thousand seven hundred and ninety-two, inclusive. Published by authority. Philadelphia: Printed by Francis Childs and John Swaine, Printers of the Laws of the United States. M, DCC, XCIV.," p. 35.*

## NUMBER X.

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### INTRODUCTION.

The documentary material presented in this number is illustrative of the further development of Local Government in the Territory of the Northwest.<sup>1</sup>

B. F. S.

<sup>1</sup> Cf. Vol. II., No. IX. of this series, pp. 1 and 2.



# LOCAL GOVERNMENT IN THE TERRITORY OF THE NORTHWEST.

TERRITORY OF THE UNITED STATES }  
NORTH-WEST OF THE OHIO }

Seal  
of the  
Territory

Ar. St. Clair,  
John C. Symmes,  
G. Turner.

A LAW for the easy and speedy Recovery of Small Debts. *Adopted from the Pennsylvanian code, and published at Cincinnati, the third day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governour, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sect. I. UPON complaint made to any justice of a court of common pleas, or justice of the peace, against any person for any debt, or demand, under five dollars, it shall and may be lawful for such justice, and he is hereby empowered and and required to issue forth his warrant in the nature of a summons, capias or attachment, as the case may require, directed to the constable of the township, or district where the defendant dwells, or can be found; commanding him to bring such defendant, or causing him to come with the plaintiff, before him or the next justice, forthwith: and when such justice hath heard the proofs, by the oaths or affirmation of one or more witnesses, and the allegations of both parties, or such of them as will be present, he shall, forthwith, give judgment in the matter; which shall be final and conclusive to both complainant and defendant, without further appeal. \* \* \* \*

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the first day of October, next ensuing: IN TESTIMONY whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused

the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,  
JOHN C. SYMMES,  
G. TURNER.

—Reprinted from "*Laws of the Territory of the United States North-west of the Ohio. Adopted and made by the Governour and Judges, in their Legislative Capacity, at a Session begun on Friday, the XXIX day of May, one thousand, seven hundred and ninety-five, and ending on Tuesday the twenty fifth day of August following: with an Appendix of Resolutions and the Ordinance for the Government of the Territory. By authority. Cincinnati: Printed by W. Maxwell. M, DCC, XCVI.*" p. 30.

TERRITORY OF THE UNITED STATES }  
NORTH-WEST OF THE OHIO. }

Seal  
of the  
Territory

Ar. St. Clair,  
John C. Symmes,  
G. Turner.

A LAW establishing Courts of Judicature. *Adopted from the Pennsylvanian code, and published at Cincinnati, the sixth day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governour, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sect. I. THERE shall be a court stiled The, General quarter Sessions of the peace, holden and kept four times in every year, in every county, viz. In the county of Washington, at town of Marietta, on the third Tuesdays of March and June, and the first Tuesdays of September and December, yearly and every year; in the county of Hamilton, at the town of Cincinnati, on the first Tuesdays of February, May, August and November, yearly and every year; in the county of St. Clair, to be holden as followeth, (to-wit) in the district of

Kaskaskia; on the first Tuesdays of January, March, June and August; in the district of Kahokia, on the first Tuesdays of February, April, July and October; and in the district of Prairie-du Rocher, on the first Tuesdays of May, August, November and February, yearly and every year: and in the county of Knox, on the first Tuesdays of February, May, August and November, yearly and every year.

II. There shall be a competent number of justices in every county, nominated and authorized by the Governour, by commission under the seal of the Territory, which said justices, or any three of them, shall and may hold the said General Sessions of the peace, according to law.

III. The said justices of the peace, or any three of them, may, pursuant to their said commissions, hold special and private sessions, when, and as often as occasion shall require. And the said justices, and every of them, shall have full power and authority, in or out of sessions, to take all manner of recognizances and obligations, as any justices of the peace, in any of the United States, may, can, or usually do: which said recognizances and obligations, shall be made to the United States. And all recognizances for the peace, behaviour, or for appearance, which shall be taken by any of the said justices, out of sessions, shall be certified into their said General sessions, of the peace, to be holden next after the taking thereof: and every recognizance, taken before any of them, for suspicions of any manner of felony, or other crime not triable in the said court of quarter-sessions of the peace, shall be certified before the judges of the General court, or court of Oyer and Terminer, at their next succeeding court to be holden next after the taking thereof, without consealment of, or detaining or embezzling the same. But in case any person or persons shall forfeit his or their recognizances of the peace, behaviour or appearance, for any cause whatsoever; then the said recognizance, so forfeited, with the record of the default or cause of forfeiture, shall be sent and certified, without delay, by the justices of the peace, into the said General Court, or court of



Oyer and Terminer, as the case may require; that thence process may issue against the said parties, according to law. All which forfeitures shall be levied by the proper officers and go to the Territory.

IV. All fines and amerciaments, which shall be laid before the justices of said courts of General quarter-sessions of the peace, shall be taxed, affixed and set, duly and truly, according to the quality of the offence, without partiality or affection; and shall be yearly estreated by the clerks of the said courts, respectively, into the said General Court or court of Oyer and Terminer: to the intent, that process may be awarded to the sheriff of every county, as the case may require, for levying such of their fines and amerciaments, as shall be unpaid, to the uses for which they are, or shall be appropriated.

V. *Provided always*, That the said Courts of General quarter-sessions of the peace, may be kept and continued for the space of three legal days, or seventy-two hours, in every of the said counties, respectively, at any of the said times hereinafter appointed to hold and keep the said court and sessions there.

VI. To the end, that persons indicted or outlawed for felonies, or other offences, in one county, or town corporate, who dwell, remove or be received, into another county, or town corporate, may be brought to justice; it is hereby directed, that the justices, or any of them, shall and may direct their writs, or precepts, to all or any of the sheriffs, or other officers of the said counties, (where need shall be) to take such persons indicted or outlawed. And it shall and may be lawful to and for the said justices, and every of them, to issue forth subpœnas, and other warrants, under their respective hands and seal of the county, into any county or place of this Territory, for summoning or bringing any person, or persons, to give evidence in and upon any matter or cause whatsoever, now or hereafter examinable, or in any ways triable by or before them, or any of them; under such pains and penalties as subpœnas, or warrants of that kind, usually are or ought, by law, to be granted or awarded.

VII. If any person or persons shall find him or themselves aggrieved by the judgement of any of the said courts of general quarter sessions of the peace, or any other courts of record, within this Territory; it shall and may be lawful to and for the party or parties so aggrieved, to have his or their writ or writs of error, which shall be granted, of course, in manner as other writs are to be granted and made returnable to the General court.

VIII. There shall be holden and kept, twice in every year, a Supreme court of record, which shall be called and stiled, *The General court*; etc \* \* \* \* \*

\* \* \* \* \*

XV. A competent number of persons shall be commissioned by the governour, under the Seal of the Territory, as justices of the Common Pleas; who shall hold and keep a court of Record, in every county, and which shall be stiled and called, *the court of Common Pleas* of (*naming the particular county*) and shall be holden four times in every year, in each county, at the place where the General quarter-sessions of the peace shall be respectively kept. Which said justices, or any three of them, according to the tenor and direction of their commissions, shall hold pleas of assize, scire facias, replevins, and hear and determine all and all manner of pleas, actions, suits and causes, civil, personal, real and mixed, according to law.

XVI. Every of the said [j]ustices shall and are hereby empowered to grant under seal of their respective courts, replevins, writs of partition, writs of view, and all other writs and process upon the said pleas and actions, cognizable in the said respective courts, as occasion may require.

XVII. The said justices of the said respective courts, last mentioned, shall and are hereby empowered to issue forth subpœnas, under their respective hands and seal of the court, into any county or place within this territory, for summoning or bringing any person or persons to give evidence in, or upon, the trial of any matter or cause, whatsoever, depending

before them, or any of them; under such pains and penalties as, by the rules of the common law, and course of the practice of the General court, are usually appointed.

\* \* \* \* \*

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the fifteenth day of August, next ensuing: IN TESTIMONY whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,  
JOHN C. SYMMES,  
G. TURNER.

—*Reprinted from "Laws of the Territory of the United States North-west of the Ohio. Adopted and made by the Governour and Judges, in their Legislative Capacity, at a Session begun on Friday, the XXIX day of May, one thousand, seven hundred and ninety-five, and ending on Tuesday the twenty fifth day of August following: with an Appendix of Resolutions and the Ordinance for the Government of the Territory. By authority. Cincinnati: Printed by W. Maxwell. M, DCC, XCVI.," p. 44.*

Seal  
of the  
Territory.

Ar. St. Clair,  
John C. Symmes,  
G. Turner.

A LAW for establishing Orphans' courts. *Adopted from the Pennsylvanian code, and published at Cincinnati, the sixteenth day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governour, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sect. I. The justices of the court of General quarter-sessions of the peace, in every county, or so many of them, as

are or shall be, from time to time, enabled to hold those courts, shall have full power, and are hereby empowered, in the same week that they are or shall be, by law, directed to hold the same courts (or at such other times as they shall see occasion) to hold and keep a court of record, in each of the said counties: which shall be stiled, *The Orphans' court*; and to award process, and cause to come before them, all and every such person and persons who, as guardians, trustees, tutors, executors, administrators, or otherwise, are or shall be intrusted with, or anywise accountable for, any lands, tenements, goods, chattels or estates belonging, or which shall belong, to any orphan or person under age; and cause them to make and exhibit, within a reasonable time, true and perfect inventories and accounts of the said estates: and to cause and oblige the judge of probate, or such person or persons as, for the time being, shall have the power of probates of wills, and granting letters of administration, in this territory, or their deputies, upon application made in that behalf, to bring or transmit into the said Orphans' court, true copies or duplicates of all such bonds, inventories, accounts, actings and proceedings, whatsoever, now or hereafter remaining or being in the respective offices, or elsewhere within the limits of their authority, as do or shall concern or relate to the said estates, or any of them: and to order the payment of such reasonable fees for the said copies, and for all other charges, trouble and attendance, which any officer or other person shall necessarily be put upon, in the execution of this law, as they shall think equitable and just. And if, upon hearing or examination thereof, it appears to the justices of the said court, that any of the said officers have misbehaved themselves, to the prejudice of any minor, or others concerned for them, as aforesaid, the said justices are hereby required to certify the same, accordingly; which shall be good evidence, for the party grieved, to recover his damages at common law.

\* \* \* \* \*

IX. *Provided always*, That if any person or persons shall



be aggrieved, by any definite sentence or judgment of the said Orphans' court, it shall be lawful for them to appeal from the same to the General or circuit courts: which appeal, upon security given, as is usual in such cases, shall be granted accordingly.

\* \* \* \* \*

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the first day of October, next ensuing: IN TESTIMONY whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,  
JOHN C. SYMMES,  
G. TURNER.

—*Reprinted from "Laws of the Territory of the United States North-west of the Ohio. Adopted and made by the Governour and Judges, in their Legislative Capacity, at a Session begun on Friday, the XXIX day of May, one thousand, seven hundred and ninety-five, and ending on Tuesday the twenty fifth day of August following: with an Appendix of Resolutions and the Ordinance for the Government of the Territory. By authority. Cincinnati: Printed by W. Maxwell. M, DCC, XCIV," p. 81.*

TERRITORY OF THE UNITED STATES }  
NORTH-WEST OF THE OHIO. }

Seal  
of the  
Territory.

Ar. St. Clair,  
John C. Symmes,  
G. Turner.

A LAW to License and Regulate Taverns. *Adopted from the Pennsylvanian code, and published at Cincinnati, the seventeenth day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governour, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sec. I. For preventing disorders, and the mischiefs that may happen by multiplicity of public houses of entertainment, no person or persons shall in future, have or keep any public inn, tavern, ale-house, or dram-shop, or public house of entertainment, in any county, town or place within the Territory; unless such person or persons shall be first recommended by the justices, in the courts of General quarter sessions of the peace for the counties respectively, to the governour, for his license for so doing, under the penalty of one dollar per day, for every day on which the party offending shall keep such public inn,, tavern, alehouse, dram-shop or public house of entertainment; to be recovered with costs, before any two justices of the peace, in an action *Qui Tam*: two thirds whereof shall go to the use of the poor of the township, where the offence may be committed, and the other third to the prosecutor suing for the same to effect.

\* \* \* \* \*

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the fifteenth day of August, next ensuing: IN TESTIMONY whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused

the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,  
JOHN C. SYMMES,  
G. TURNER.

—*Reprinted from "Laws of the Territory of the United States North-west of the Ohio. Adopted and made by the Governour and Judges, in their Legislative Capacity, at a Session begun on Friday, the XXIX day of May, one thousand, seven hundred and ninety-five, and ending on Tuesday the twenty fifth day of August following: with an Appendix of Resolutions and the Ordinance for the Government of the Territory. By authority. Cincinnati: Printed by W. Maxwell. M, DCC, XCVI.,"* p. 96.

TERRITORY OF THE UNITED STATES }  
NORTH-WEST OF THE OHIO. }

Seal  
of the  
Territory.

Ar. St. Clair,  
John C. Symmes,  
G. Turner.

A LAW establishing the Recorder's Office. *Adopted from the Pennsylvanian code, and published at Cincinnati, the eighteenth day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governour, and John Cleves Symmes and George Turner, Judges, in and over the said Territory.*

Sect. I. There shall be an office of record, in each and every county; which shall be called and stiled, *the Recorder's Office*, and shall be kept in some convenient place in the said respective counties: and the recorder shall duly attend the service of the same, and at his own proper costs and charges, shall provide parchment, or good large books of royal or other large paper, well bound and covered; wherein he shall

record, in a fair and legible hand, all deeds and conveyances which shall be brought to him, for that purpose, according to the true intent and meaning of this law.

\* \* \* \* \*

VI. There shall be appointed a recorder in every county now or hereafter, to be erected. But, before any of the said recorders enter upon their respective offices, they shall become bound to the governour and his successors, with one or more sufficient sureties, in a bond for fifteen hundred dollars; conditioned for the true and faithful execution of his office, and for delivering up the records and other writings, belonging to the said office, whole, safe and undefaced, to his successor in the said office. \* \* \* \* \*

\* \* \* \* \*

X. Every recorder shall keep a fair book, in which he shall immediately make an entry of every deed or writing, brought into his office to be recorded; mentioning therein the date, the parties, and the place where the lands, tenements or hereditaments, granted or conveyed by the said deed or writing are situate; dating the same entry on the day in which such deed or writing was brought into his office; and shall record all such deeds and writings, in regular succession, according to their priority or time in being brought into the said office; and shall also, immediately, give a receipt to the person bringing such deed, or writing, to be recorded, bearing the date on the same day with the entry and containing the abstract aforesaid; for which entry and receipt, he shall take or receive no fee or reward, whatever. \* \* \* \* \*

\* \* \* \* \*

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the first day of August, next ensuing: IN TESTIMONY whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused



the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,  
JOHN C. SYMMES,  
G. TURNER.

—Reprinted from "*Laws of the Territory of the United States North-west of the Ohio. Adopted and made by the Governour and Judges, in their Legislative Capacity, at a Session begun on Friday, the XXIX day of May, one thousand, seven hundred and ninety-five, and ending on Tuesday the twenty fifth day of August following: with an Appendix of Resolutions and the Ordinance for the Government of the Territory. By authority. Cincinnati: Printed by W. Maxwell. M, DCC, XCVI.*" p. 102.

TERRITORY OF THE UNITED STATES }  
NORTH-WEST OF THE OHIO. }

Seal  
of the  
Territory.

Ar. St. Clair,  
John C. Symmes,  
G. Turner.

A LAW for raising County Rates and Levies. *Founded on, and Adopted from the Pennsylvanian code, and published at Cincinnati, the nineteenth day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governour, and John Cleves Symmes and George Turner judges, in and over the said Territory.*

Sect. I. Three commissioners shall be appointed in every county, in the following manner, to carry this law into effect; and the eldest or first of them named on the list, and so onward, shall be successively changed, by a new commissioner being appointed, yearly in his stead.

II. The justices of the court of General quarter-sessions of the peace, at their first general sessions, next after the first day of January, yearly and every year, on the first day of the

term, and next after their having sworn and charged the grand jury, shall, in every county, proceed, to nominate and appoint three discreet and reputable freeholders of the county; who shall serve in the capacity of commissioners for the county, for one year from the time of their appointment: And the justices of the peace for the several counties, in their said general sessions, shall, in like manner, yearly and every year afterwards, appoint one new commissioner in every county; who shall superceed the first named commissioner for the preceeding year.

III. The free male inhabitants of the several townships shall, on the third Tuesday in November, yearly and every year, assemble at some convenient and best inhabited part of every township, to be pointed out by the constable, and elect by ballot, viz, by writing on a piece of paper, the name of the person, who he prefers to be assessor of the township for the year ensuing, and delivering the same to the three judges of the election, to be previously chosen, viva voce, by the said inhabitants, so assembled: which ballot the said judges, or one of them, shall receive and keep safe in some box, or close vessel, until all ballots tendered to them, or any of them, that day, are received. And on examination of the ballots, the person having the greatest number of votes, being a freeholder of good fame, shall be considered, respected and attended to, as the assessor of such township, for the year ensuing. And a certificate of the election of such assessor, in every township, shall be immediately made out and signed by the three judges of the election; and by, at least, six more freeholders: and they shall return the same to the justices, at their general sessions of the peace, in every county, held next after such election. Which return shall be entered on record, by the clerk of such sessions, in their minute book.

\* \* \* \* \*

V. *Provided always.* That when the inhabitants of any of the said townships refuse or neglect, for the first year, to choose assessors according to the directions of this law; then

and in every such case, the justices of the peace, in the General court of quarter sessions, shall appoint an assessor, or assessors, for the delinquent township or townships; and, in every year after the first, the assessor who officiated the year next preceeding such neglect, shall continue to officiate in their respective stations, until another election, be made according to the directions of this law.

VI. The said commissioners and assessors, or a majority of them, as soon as conveniently they can after they are qualified as aforesaid, shall annually meet at the place where the quarter sessions, and other courts are usually held; and then and there, or at such other times and places as the commissioners, or a majority of them, may then after appoint, shall calculate the public debts and charges of the said respective counties, allowing all just debts and demands which now are, or hereafter shall be, chargeable upon the said respective counties; and shall, from time to time, adjust and settle the demands and sums of money, which justice and public convenience require should be raised, yearly, to defray the charges of building and repairing of court-houses, prisons, work-houses, bridges, and cause-ways at the end of bridges, or for destroying wolves, foxes and wild-cats, with such other uses as may redound to the public service and benefit of the said counties, respectively: And shall, also, ascertain and set down such competent sum and sums of money as shall be, yearly, applied towards any of the said services; together with such sums, as may be needful, to make good deficiencies in county rates assessed, and not then (and which probably could not be) collected; and to enforce the collection thereof, as occasion may require.

VII. The said commissioners or two of them, in every county, shall within six days after their said annual meetings, issue forth their precepts, directed to the constables of every township, requiring them to bring to the said assessors, within six weeks next after the date of such precepts, fair and true certificates, in writing, upon their oaths or affirmations, of the

names and sur names of all and every the free persons dwelling, or residing within the limits of those townships or places, with which they shall be charged: & the names of all free men, in mates, hired servants (being twenty one years of age) & whether profitable or chargeable to the employers, and all persons residing or sojourning in every of the said townships, together with an account of what tracts or parcels of land and tenements, houses, cabbins or other buildings wherein people dwell, with their peculiar advantages, as more or less valuable, which they hold in such township; and how many and what parts of those tracts of land, houses, and cabbins, are settled on, or rented, improved or cultivated; and how much of the same land is sowed, planted or improved; and all water mills, whether for grinding or sawing; and all fulling mills and oil mills; and all keel and batteau-built boats, of the burthen of twenty barrels upwards; and every ferry, and other species of property, producing a yearly income; and how many bound servants, and of what sex, with their ages, and what stock of cattle, horses and mares, each rising three years old, they possess without concealment, fear, malice, favour or affection, upon pain of forfeiting any sum not exceeding twelve dollars; to be levied as by this law is appointed and directed. \* \* \* \* \*

XI. The said commissioners and assessors at their first annual meeting, shall appoint some fit person, in every township, to be collectors of the said assessments, from time to time: \* \* \* \* \*

XII. If any person or persons find himself or themselves aggrieved with any of the said assessments, supposing the same to be unequal, he or they may appeal to the said commissioners of the proper county who are hereby required to meet on the said day of appeal; \* \* \* \* \*

XIII. The said commissioners, upon hearing of the said appeals, shall rectify and adjust the said assessments, by abat-



ing on, or adding to the sums contained in the said respective duplicates; \* \* \* \* \*

XV. The said collectors shall, once in every six weeks, at least, render a just and true account of, and bring in and pay unto the respective county treasurers, all such sums of money, and orders on the said treasurers, as they shall have then received; \* \* \* \* \*

XXXV. The treasurers of every county shall be appointed by the governour; but, before they enter upon the execution of their offices, respectively, they shall become bound to the governour, and his successors, with one or more sufficient sureties, in an obligation in the sum of one thousand dollars; conditioned for the true execution of their respective offices, and punctual observation of their duty, as required by this law. And in case of the death or removal out of the county, of any of the said treasurers; then the commissioners and assessors of the proper county, for the time being, or a majority of them, shall appoint others to supply the places of such as shall die, or so remove, from time to time; who shall, forthwith, signify such appointments to the governour for his approbation, or further appointment, and give security in manner aforesaid. The said treasurers shall keep a distinct book, in every county, containing a particular account of all the rates and assessments made, or to be made, as aforesaid; as also of all disbursements and payments, made by order of the commissioners, by virtue of this law.

XXXVI. The county treasurers shall, yearly, at the next General quarter-sessions of the peace after midsummer-day, in ever county, bring in and settle their respective accounts with the said commissioners and assessors, a majority of whom shall give attendance for that purpose; \* \* \* \* \*

XXXVIII. No person who is, or hereafter shall be ap-

pointed a commissioner for any county, shall serve, as a commissioner, for any longer time than the space of three years, at one time.

XXXIX. The commissioners and assessors and treasurers of the several counties shall, at the respective courts of General quarter-sessions of the peace, to be holden for the respective counties next after midsummer day, yearly exhibit to and lay before the justices and grand-juries of the said respective counties to which they belong, as well the books of entries and accounts directed by this law to be kept by the treasurers, as a true and particular account of all the monies by them assessed and raised, by virtue of their several offices; as also an account to whom and for what use, or uses the same money, and every part and parcel thereof, was paid out again; with the proper vouchers if required: \* \* \* \* \*

XL. The grand juries, commissioners and assessors, or a majority of them, with the concurrence of the justices of the General quarter-sessions of the peace, shall be the sole judges of the place where any bridge shall be built and maintained over any creek, or rivulet, within the respective counties to which they belong: and the commissioners and assessors, or a majority of them, with the concurrence of the justices of the said respective counties, at their respective General quarter-sessions of the peace, shall agree with workmen for building, repairing and maintaining any bridge or bridges ordered to be built or repaired, as aforesaid, within their respective counties: and the commissioners, for the time being, shall allow of, and order the monies becoming due for the same, to be paid by the respective county treasurers, accordingly.

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the first day of October, next ensuing: IN TESTIMONY whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused

the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,  
JOHN C. SYMMES,  
TURNER.

—Reprinted from "*Laws of the Territory of the United States North-west of the Ohio. Adopted and made by the Governour and Judges, in their Legislative Capacity, at a Session begun on Friday, the XXIX day of May, one thousand, seven hundred and ninety-five, and ending on Tuesday the twenty fifth day of August following: with an Appendix of Resolutions and the Ordinance for the Government of the Territory. By authority. Cincinnati: Printed by W. Maxwell. M, DCC, XCVI.*" p. 107.

TERRITORY OF THE UNITED STATES }  
NORTH-WEST OF THE OHIO. }

Seal  
of the  
Territory

Ar. St. Clair,  
John C. Symmes,  
G. Turner.

A LAW for the relief of the Poor.  
*Adopted from the Pennsylvanian code,  
and published at Cincinnati, the nineteenth  
day of June, one thousand, seven hundred  
and ninety-five; by Arthur St Clair, gov-  
ernour, and John Cleves Symmes and  
George Turner, judges, in and over the  
said Territory.*

Sect. I. The justices of the peace in the respective counties of this Territory, or any three of them, at every first session of the court of General quarter-sessions of the peace, yearly and every year, after the first day of January, shall nominate and appoint two substantial inhabitants of every township, within their respective jurisdictions, to be overseers of the poor of such townships: for which purpose, the overseers going out of office, shall, on the day aforesaid, return to

the said justices, the names of two, or more, substantial inhabitants, for every township: out of which number, successors in the said office shall be appointed by the said justices, for the ensuing year. And if any overseer shall refuse or neglect to make such return, as aforesaid, he shall forfeit and and pay any sum, not exceeding twenty five dollars.

\* \* \* \* \*

IV. It shall and may be lawful to and for the overseers of the poor, of the several townships, having first obtained the approbation of any two justices of the peace in the same county, to make and lay a rate, or assessment, not exceeding two cents, in the dollar, on the estimated value of all the real and personal estates within the said townships, respectively, at one time, and seventy five cents per head, on every freeman not otherwise rated for his estate, in every tax of two cents in the dollar; and so in proportion for any less rate or assessment: which said assessments may be repeated, by the authority aforesaid, as often, in one year, as shall be found necessary for the support of the poor; to be employed in providing proper houses and places, and a convenient stock of hemp, flax, thread and other ware and stuff, for setting to work such poor persons, as apply for relief, and are capable of working; and also for relieving such poor, old, blind, impotent and lame persons, or other persons not able to work, within the said townships, respectively; who shall therewith be maintained and provided for.

V. It shall and may be lawful to and for the overseers of the poor of the said townships, to contract with any person or persons for a house or lodging, for keeping, maintaining and employing any or all such poor in their respective townships, as shall be adjudged proper objects of relief; \* \* \* \*

\* \* \* \* \*

VIII. *Provided always,* That if any person or persons be aggrieved with such rate or assessment, it shall be lawful for the justices of the peace, at their next General quarter-sessions for the county respectively, upon petition of the party,



to take such order therein as to them shall be thought convenient; \* \* \* \* \*

IX. It shall and may be lawful for the overseers of the poor of the townships, aforesaid, by the approbation and consent of two justices of the peace of the county, to put out, as apprentices, all such poor children, whose parents are dead, or shall be by the said justices found unable to maintain them, males till the age of twenty one, and females till the age of eighteen years.

\* \* \* \* \*

XI. The free male inhabitants of every township shall, on the day of their annual election to choose assessors, yearly and every year, choose by tickets in writing, three capable and discreet freeholders, to settle and adjust the accounts of the overseers of the poor of the respective townships, for the preceding year: \* \* \* \* \*

\* \* \* \* \*

XVI. The overseers of the poor for the several townships for the time being, respectively, shall forever hereafter, in name and in fact, be, and they are hereby declared to be bodies politic and corporate in law, to all intents and purposes, and shall have perpetual succession, and may by the name of the overseers of the poor of the said townships, sue and be sued, and plead and be impleaded in all courts of judicature; and by that name shall and may purchase, take or receive any lands, tenements or hereditaments, goods, chattels, sum or sums of money, not exceeding in the whole, including all gifts, grants, devises and bequests, heretofore made, the aforesaid yearly value of twelve hundred dollars, to and for the use, and benefit of the poor of the respective townships, of the gift, alienation or devise of any person or persons whomsoever, to hold to them the said overseers, and their successors in the said trust, for the use of the said poor forever.

\* \* \* \* \*

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the first day of October, next ensuing: IN TESTIMONY whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,  
JOHN C. SYMMES,  
G. TURNER.

—Reprinted from "*Laws of the Territory of the United States North-west of the Ohio. Adopted and made by the Governour and Judges, in their Legislative Capacity, at a Session begun on Friday, the XXIX day of May, one thousand, seven hundred and ninety-five, and ending on Tuesday the twenty fifth day of August following: with an Appendix of Resolutions and the Ordinance for the Government of the Territory. By authority. Cincinnati: Printed by W. Maxwell. M, DCC, XCVI.,*" p. 127.

TERRITORY OF THE UNITED STATES }  
NORTH-WEST OF THE OHIO. }

Seal  
of the  
Territory.

Ar. St. Clair,  
John C. Symmes,  
G. Turner.

A LAW regulating Enclosures. *Adopted from the Pennsylvanian code, and published at Cincinnati, the twenty-fifth day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sect. I. All corn-fields and grounds, kept for enclosures, shall be well enclosed with fence, at least five feet high, of sufficient rail or logs, and close at the bottom, or at any rate, not more than three inches from the ground: \* \* \* \* \*

II. And, for the better ascertaining and regulating of partition fences, \* \* \* \* \*  
 \* \* \* each court of General quarter sessions of the peace, shall nominate, and is hereby required to nominate and appoint, so many honest and able men as they shall think fit, for each county respectively; to view all such fence and fences, about which any difference may happen or arise, and the aforesaid persons in each county, respectively, shall be the sole judges of the charge to be borne by the delinquent, or by both or either party, and of the sufficiency of all fences, whether partition-fences or others. \* \* \* \* \*

THE foregoing is hereby declared to be a law of the Territory; to take effect of and from the first day of October, next ensuing: IN TESTIMONY whereof, we *Arthur St. Clair, John Cleves Symmes* and *George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,  
 JOHN C. SYMMES,  
 G. TURNER.

—Reprinted from "*Laws of the Territory of the United States North-west of the Ohio. Adopted and made by the Governour and Judges, in their Legislative Capacity, at a Session begun on Friday, the XXIX day of May, one thousand, seven hundred and ninety-five, and ending on Tuesday the twenty fifth day of August following: with an Appendix of Resolutions and the Ordinance for the Government of the Territory. By authority. Cincinnati: Printed by W. Maxwell. M, DCC, XCVI.,*" p. 152.

TERRITORY OF THE UNITED STATES }  
 NORTH-WEST OF THE OHIO. }

Seal  
 of the  
 Territory.

Ar. St. Clair,  
 John C. Symmes,  
 G. Turner.

AN ACT repealing certain laws and acts, and part of laws and acts, Made and published conformably to the act of the United States, entitled, "An act respecting the government of the Territories North West and South of the Ohio,—"*at Cincinnati, the fourteenth day of July, one thousand, seven hundred and ninety-five; By Arthur St. Clair, governour, John Cleves Symmes, and George Turner, judges, in and over the said Territory.*

BE it enacted, That the laws and acts and parts of laws and acts, hereinafter particularly enumerated and expressed, be, and the same are hereby repealed; to wit:

\* \* \* \* \*

So much of the law establishing a court of probate; as respects the appointments and duties of the clerk:

\* \* \* \* \*

The "law appointing coroners."

\* \* \* \* \*

The "act to augment the terms of the county courts of common pleas, from two to four terms in the year; and to increase the number of judges in the said court, and also of the justices of the quorum, in the several counties;"

So much of the "act to authorize and require the courts of General quarter-sessions of the peace, to divide the counties into townships, and to alter the boundaries of the same, when necessary; and also, to appoint constables, overseers of the poor, and the clerks of the townships, and for other purposes therein mentioned;" as the same may relate to the appointment of clerk of townships, and their duty with respect to estrays.

\* \* \* \* \*



The "act regulating the enclosures of grounds;"

\* \* \* \* \*

The "act for granting licences to merchants, traders and tavern keepers;"

The "act creating the offices of treasurer general of the Territory, and treasurer for the counties;"

The "act directing the manner in which money shall be raised, and levied, to defray the charges which may arise within the several counties in the Territory:"

So much of the "act for opening and regulating highways," as relates to bridges:

The "act for the disposition of strays:"

\* \* \* \* \*

The "act empowering the judges of probate to appoint guardians to minors, and others:"

\* \* \* \* \*

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the fourteenth day of August, next ensuing: IN TESTIMONY whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,  
JOHN C. SYMMES,  
G. TURNER.

—Reprinted from "*Laws of the Territory of the United States North-west of the Ohio. Adopted and made by the Governour and Judges, in their Legislative Capacity, at a Session begun on Friday, the XXIX day of May, one thousand, seven hundred and ninety-five, and ending on Tuesday the twenty fifth day of August following: with an Appendix of Resolutions and the Ordinance for the Government of the Territory. By authority. Cincinnati: Printed by W. Maxwell. M, DCC, XCIV,*" p. 178.

TERRITORY OF THE UNITED STATES }  
NORTH-WEST OF THE OHIO. }

Seal  
of the  
Territory.

Ar. St. Clair,  
John C. Symmes,  
G. Turner.

A LAW concerning the duty and power of Coroners. *Adopted from the Massachusetts code, and published at Cincinnati, the sixteenth day of July, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governour, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sect. I. Every coroner within the county for which he is appointed, shall serve all writs and precepts, when the sheriff or any of his deputies, shall be a party to the same; and shall return jurors, in all causes, where the sheriff shall be interested, or related to either party. The coroners shall take inquests of violent deaths, and casual deaths happening within their respective counties; and shall before they enter upon the duties of their respective offices, be severally sworn (or affirmed) to the faithful discharge thereof; and give security in the same manner as sheriffs are obliged to do.

II. Every coroner shall, as soon as he shall be certified of the dead body of any person, supposed to have come to his or her death, by violence or casualty, found or living within his county, make out his warrant, directed to the constable of the township where the dead body is found or lying, requiring him forthwith to summon a jury of good lawful men of the same township, not less than eighteen, in all, (so that twelve may be present) to appear before such coroner, at the time and place in his warrant expressed, and to enquire, upon a view of the body of (name here the person deceased, if known) there lying dead, how, in what manner, and by whom he, or she came by his or her death. And every constable, to whom such warrant shall be directed and delivered, shall, forthwith, execute the same;

\* \* \* \* \*

VII. Every coroner is further empowered to send out his warrant for witnesses, commanding them to come before him to be examined, and to declare their knowledge concerning the matter in question. \* \* \* \* \*

\* \* \* \* \*

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the fifteenth day of August, next ensuing: IN TESTIMONY whereof, we Arthur St. Clair, John Cleves Symmes and George Turner, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,  
JOHN C. SYMMES,  
G. TURNER.

—Reprinted from "Laws of the Territory of the United States North-west of the Ohio. Adopted and made by the Governour and Judges, in their Legislative Capacity, at a Session begun on Friday, the XXIX day of May, one thousand, seven hundred and ninety-five, and ending on Tuesday the twenty fifth day of August following: with an Appendix of Resolutions and the Ordinance for the Government of the Territory. By authority. Cincinnati: Printed by W. Maxwell. M, DCC, XCVI.," p. 200.

Thursday, August 13.

\* \* \* \* \*

RESOLVED also,

That the several courts of Quarter Sessions be empowered, and they are hereby authorized and empowered to fix, from time to time, the rates to be demanded at the Ferries now or hereafter to be established in their respective counties, having

regard to the distance which the Ferry-boats have to travel, and the danger or difficulties incident to the same.

—Reprinted from "Laws of the Territory of the United States North-west of the Ohio. Adopted and made by the Governour and Judges, in their Legislative Capacity, at a Session begun on Friday, the XXIX day of May, one thousand, seven hundred and ninety-five, and ending on Tuesday the twenty fifth day of August following. With an Appendix of Resolutions and the Ordinance for the Government of the Territory. By Authority. Cincinnati: Printed by W. Maxwell. M, DCC, XCVI."—Appendix, p. 222.

TERRITORY OF THE UNITED STATES }  
NORTH-WEST OF THE RIVER OHIO }

Seal  
of the  
Territory

A LAW vesting certain powers in justices of the peace in criminal cases adopted from the Massachusetts Code and published at Cincinnati the first day of May one thousand seven hundred and ninety eight by Winthrop Sargent acting as Governor and John Cleves Symmes Joseph Gilman and Return Jonathan Meigs junior Judges.

That it shall be within the power and be the duty of every justice of the peace within his county to punish by such fine as is by the statute laws of the Territory provided all assaults and batteries that are not of a high and aggravated nature and to cause to be stayed and arrested all affrayers rioters and disturbers and breakers of the peace and to bind them by recognizance to appear at the next General court Circuit court or court of General Quarter Sessions of the peace to be held within or for the same county at the discretion of the



justice and also to require such persons to find sureties for their keeping the peace and being of good behaviour until the sitting of the court they are to appear before and to commit such persons as shall refuse or delay to recognize and find such surety or sureties and the justices of the peace shall examine into all homicides murders treasons and felonies done and committed in their respective counties and commit to prison all persons guilty or suspected to be guilty of man slaughter murder treason or other capital offence and to hold to bail all persons guilty or suspected to be guilty of lesser offences which are cognizable by a justice of the peace and require sureties for the good behaviour of idle vagrant and dissolute characters swindlers and gamblers as well as of dangerous and disorderly persons and shall take cognizance of and examine into all other crimes matters and offences which by particular laws are put within their jurisdiction.

The foregoing is hereby declared to be a law of the Territory in TESTIMONY whereof we *Winthrop Sargent John Cleves Symmes Joseph Gilman* and *Return Jonathan Meigs junior* have caused the seal of the Territory to be thereunto affixed and signed the same with our names.

(Signed)

"WINTHROP SARGENT"

"JOHN CLEVES SYMMES"

"JOSEPH GILMAN"

"RETURN JONATHAN MEGIS JUNIOR"

—*Reprinted from "Laws of the Territory of the United States North West of the River Ohio. Adopted and published at a Session of the legislature begun in the Town of Cincinnati, County of Hamilton and Territory aforesaid upon the 23d day of April in the year of our Lord 1798 and continued by adjournments to the seventh day of May in the same year. By Authority. Cincinnati. Printed and Sold by Edmund Freeman. M, DCC, XCVIII.," p. 9.*

## NUMBER XI.

### INTRODUCTION.

The documentary material presented in this number is illustrative of the development of Local Government in the Territory of the Northwest from May, 1798 to July, 1800, and in the Territory of Indiana from July 4th, 1800, to June 30th, 1805.

B. F. S.

LOCAL GOVERNMENT IN THE TERRITORY OF  
THE NORTHWEST.

*An ACT, to confirm and give force to certain laws, enacted by the governor and judges of the territory.*

WHEREAS it hath been represented to the general assembly, by his excellency the governor of the territory, that, on several occasions, laws have been enacted by the governor and judges, of their own authority, and that those laws are of very doubtful obligation, and that they have been so spoken of from the bench; therefore, to confirm and enforce those laws,

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives in General Assembly, and it is hereby enacted by the authority of the same,* That the laws and acts, and parts of laws and acts herein after enumerated (excepting such parts thereof as have been repealed or altered by subsequent existing laws) be, and the same are hereby declared to be in force within the territory, as fully and completely as though each and every of them (omitting such parts thereof as have been repealed or altered by subsequent existing laws) were herein recited at length and re-enacted, to wit:

\* \* \* \* \*

Also, a law entitled "A law for establishing courts of general quarter sessions of the peace, (and therein of the powers of single justices) and for establishing county courts of common pleas, (and therein of the power of single judges to hear and determine upon small debts and contracts)" and also, "A law for establishing the office of sheriff, and for the appointment of sheriffs," published at the city of Marietta, in the county Washington, upon the twenty-third day of August, in the thirteenth year of the independence of the United States, and in the year of our Lord one thousand, seven hundred and eighty-eight.



Also, a law entitled, "A law establishing a court of probate," published in the territory of the United States, northwest of the river Ohio, at the city of Marietta, the thirteenth day of August, A. D. one thousand, seven hundred and eighty-eight, excepting so much thereof as respects the appointment and duties of the clerk.

\* \* \* \* \*

Also, an act entitled, "An act to authorize and require the courts of general quarter sessions of the peace, to divide the counties into townships, and to alter the boundaries of the same when necessary; and also to appoint constables, overseers of the poor and clerks of townships, and for other purposes therein mentioned," passed at Cincinnati, in the county of Hamilton, the sixth day of November, in the year of our Lord one thousand, seven hundred and ninety, excepting so much thereof as may relate to the appointment of clerks of townships, and their duties with respect to estrays

\* \* \* \* \*

Also, an act entitled, "An act for opening and regulating highways," passed at Cincinnati, in the county of Hamilton, the first day of August, in the year of our Lord one thousand, seven hundred and ninety-two, excepting so much thereof as relates to bridges.

Also, an act entitled, "An act directing the building and establishing of a court-house, county jail, pillory, whipping post and stocks in every county," passed at Cincinnati, in the county of Hamilton, the first day of August, in the year of our Lord one thousand, seven hundred and ninety-two.

Also, an act entitled, "An act for the better regulation of prisons," passed at Cincinnati, in the county of Hamilton, the first day of August, in the year of our Lord one thousand, seven hundred and ninety-two.

\* \* \* \* \*

Sec. 2. *And be it further enacted*, That the above recited laws and acts, excepting such parts thereof as have been altered or repealed by existing laws, shall continue in full

force throughout the territory, until they shall be altered or repealed by the legislature thereof.

\* \* \* \* \*

EDWARD TIFFIN, *Speaker*  
Of the House of Representatives.  
H. VANDER BURGH, *President*  
*Pro tempore of the Council.*

Approved—October the 28th, 1799.

AR. ST. CLAIR.

—*Reprinted from "Laws of the Territory of the United States, North-West of the River Ohio. Passed at the first session of the General Assembly, begun and held at Cincinnati, on Monday, the sixteenth day of September, A. D. one thousand, seven hundred and ninety-nine: also, certain Laws enacted by the Governor and Judges of the Territory, from the commencement of the Government to December, one thousand, seven hundred and ninety two; with an Appendix, containing Resolutions, the Ordinance of Congress for the Government of the Territory, the Constitution of the United States, and the Law respecting Fugitives. Vol. I. Published by Authority. Cincinnati, From the Press of Carpenter & Findlay, Printers to the Territory, M, DCCC.," p. 23. (Original copy in the Michigan State Library. Lansing).*

#### *An ACT Regulating Enclosures.*

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives in General Assembly, and it is hereby enacted by the authority of the same*, That all fields and grounds, kept for enclosures, shall be well enclosed with fence, composed of sufficient posts and rails, posts and palings, palisades, or rails alone, laid up in the manner which is commonly called a worm fence; which posts shall be deep set, and strongly fastened in the earth; and all fences, composed of

posts and rails, posts and palings, or palisadoes, shall be, at least, five feet in height; and all fences composed of rails, in the manner which is commonly denominated a worm fence, shall be, at least, five feet six inches in height, the uppermost rail of each and every panel thereof, supported by strong stakes, strongly set and fastened in the earth, so as to compose what is commonly called staking and riding; otherwise, the uppermost rail of every panel, of such worm fence, shall be braced with two strong rails, poles or stakes, locking each corner or angle thereof. And in all cases, wherein any fence is composed of any of the foregoing material, the apertures between any of the rails, palings, or palisadoes, within two feet of the surface of the earth, shall not be more than four inches; and from the distance of two feet from the earth, until the height of three feet six inches from the surface thereof, the apertures, between such rails, palings, or palisadoes, shall not be more than six inches; and that, in all worm fences, the worm of the same shall be, at least, one third of the length of the rails which compose the respective panels thereof.

\* \* \* \* \*

Sec. 3. *And be it further enacted,* That for the better ascertaining and regulating of partition fences, it is hereby directed, that \* \* \* \* each court of general quarter sessions of the peace, yearly, and every year, in the term next after the month of January, shall nominate, and is hereby required to nominate and appoint, three honest and able men, for each township, respectively; who, being duly sworn to a faithful discharge of the duties of their appointment, shall proceed, at the request of any person or persons feeling him, her or themselves aggrieved, to view all such fence and fences, about which any difference may happen or arise. And the aforesaid persons, or any two of them, in each township, respectively, shall be the sole judges of the charge to be borne by the delinquent, or by both, or either party, and of the sufficiency of all fences, whether partition fences, or others; \* \* \* And

it is hereby declared, that all laws and acts, or parts of laws and acts, of the territory, heretofore adopted or made, so far as the same respect the regulation of enclosures, be, and the same are hereby repealed; and that this act shall be in force from and after the publication thereof.

EDWARD TIFFIN, *Speaker*  
*Of the House of Representatives.*

H. VANDER BURGH, *President*  
*Pro tempore of the Council.*

Approved—October the 29th, 1799.

AR. ST. CLAIR.

—*Reprinted from "Laws of the Territory of the United States, North-West of the River Ohio. Passed at the first session of the General Assembly, begun and held at Cincinnati, on Monday, the sixteenth day of September, A. D. one thousand, seven hundred and ninety-nine: also, certain Laws enacted by the Governor and Judges of the Territory, from the commencement of the Government to December, one thousand, seven hundred and ninety two; with an Appendix, containing Resolutions, the Ordinance of Congress for the Government of the Territory, the Constitution of the United States, and the Law respecting Fugitives. Vol. I. Published by Authority. Cincinnati, From the Press of Carpenter & Findlay, Printers to the Territory, M, DCCC," p. 36. (Original copy in the Michigan State Library. Lansing).*



An ACT establishing courts for the trial of small causes.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives in General Assembly, and it is hereby enacted by the authority of the same,* That every action for debt or other demand (except such actions as is hereinafter excepted) shall be, and the same is hereby made cognizable before any justice of the peace, within the township in which the defendant resides or may be found, and said justices are hereby authorized to hold a court to hear, try and determine the same, according to law; and the jurisdiction of every justice of the peace, under this act, shall be co-extensive with the limits of the township in which he resides, and his writs, precepts and process, authorized by this act, shall run in and thro' such township, and may be executed therein, but not elsewhere; and the constables of the several townships, and they only, shall be ministerial officers of the said court, and it shall be their duty to execute and return all precepts, summons', warrants and other process, issuing out of the said court, and to them or any of them directed and delivered, and to perform all acts appertaining to their offices aforesaid; \* \*

\* \* \* \* \*

Sec. 14. *And be it further enacted,* That if any person or persons shall conceive him, her or themselves aggrieved by any judgement rendered as aforesaid, it shall and may be lawful for such person or persons, at any time within the space of twenty days, next after the rendering of such judgment, to appeal therefrom to the court of common pleas, next to be holden for the county in which such suit hath been tried,

\* \* \* *Provided always,* That no defendant shall be allowed to appeal from a judgment rendered against him or her, unless the same shall amount to two dollars or upwards, without costs; \* \* \* \* \*

\* \* \* \* \*

Sec. 23. *And be it further enacted,* That the law entitled, "A law for the speedy and easy recovery of small debts,"

adopted from the Pennsylvania code, and published at Cincinnati, the third day of June, in the year of our Lord one thousand, seven hundred and ninety-five, \* \* \* \* \* be, and the same are hereby repealed: \* \* \* \* \*

Sec. 24. *And be it further enacted,* That this law shall be in force, and take effect, from and after the first day of May next, and not before.

EDWARD TIFFIN, *Speaker*  
Of the House of Representatives.  
H. VANDER BURGH,  
*President of the Council.*

Approved—December 2d, 1799.

AR. ST. CLAIR.

—*Reprinted from "Laws of the Territory of the United States, North-West of the River Ohio. Passed at the first session of the General Assembly, begun and held at Cincinnati, on Monday, the sixteenth day of September, A. D. one thousand, seven hundred and ninety-nine: also, certain Laws enacted by the Governor and Judges of the Territory, from the commencement of the Government to December, one thousand, seven hundred and ninety two; with an Appendix, containing Resolutions, the Ordinance of Congress for the Government of the Territory, the Constitution of the United States, and the Law respecting Fugitives. Vol. 1. Published by Authority. Cincinnati, From the Press of Carpenter & Findlay, Printers to the Territory, M, DCCC.," p. 86. (Original copy in the Michigan State Library. Lansing).*

An ACT providing for the appointment of constables.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives in General Assembly, and it is hereby enacted by the authority of the same,* That it shall be the duty of

the court of general quarter sessions of the peace, in each and every county, to appoint at the sessions next after the first day of March, annually, one or more respectable and confidential persons, in each and every township within their respective counties, to serve as constables; and the constables so appointed shall continue in office, by virtue of such appointment, for the term of one year, and so long thereafter as may be sufficient for their successors in office to have notice of their appointments, take the oath and enter on the duties of their offices. *Provided*, That nothing herein contained shall oblige them to serve as constables for a longer time than three months, after the expiration of the term of one year, as aforesaid.

Sec. 2. *And be it further enacted*, That every constable, before he enters upon the duties of his office, shall take the following oath, or affirmation. \* \* \* \* \* and it shall be the duty of every constable, as far as in him lies, to apprehend and bring to justice, all felons and disturbers of the peace; to suppress all riots, routs and unlawful assemblies, and to keep and preserve the peace within the county in which he shall have been appointed, and also to serve and execute all warrants, writs, precepts, and other process to him lawfully directed, and generally to do and perform all things appertaining to the office of constable within the territory. *Provided always*, That nothing herein contained shall be construed, to require any constable, not qualified as is provided in the act entitled, "An act establishing courts for the trial of small causes," to serve or execute any process that may issue by virtue of the provisions in that act contained.

\* \* \* \* \*

Sec: 5. *And be it further enacted*, That so much of an act entitled "An act to authorize and require the courts of general quarter sessions of the peace to divide the counties into townships, and to alter the boundaries of the same when necessary, also to appoint constables, overseers of the poor, and clerks of townships, and for other purposes therein men-

tioned," passed at Cincinnati, in the county of Hamilton, the sixth day of November, in the year of our Lord one thousand, seven hundred and ninety, as relates to the appointment and duty of constables, be, and the same is hereby repealed; and that this act shall be in force and take effect from and after the first day of February next.

EDWARD TIFFIN, *Speaker*

*Of the House of Representatives.*

H. VANDER BURGH,

*President of the Council.*

Approved—December the 2d, 1799.

AR. ST. CLAIR.

—*Reprinted from "Laws of the Territory of the United States, North-West of the River Ohio. Passed at the first session of the General Assembly, begun and held at Cincinnati, on Monday, the sixteenth day of September, A. D. one thousand, seven hundred and ninety-nine: also, certain Laws enacted by the Governor and Judges of the Territory, from the commencement of the Government to December, one thousand, seven hundred and ninety two; with an Appendix, containing Resolutions, the Ordinance of Congress for the Government of the Territory, the Constitution of the United States, and the Law respecting Fugitives. Vol. I. Published by Authority. Cincinnati, From the Press of Carpenter & Findlay, Printers to the Territory, M, DCCC.," p. 101. (Original copy in the Michigan State Library. Lansing).*

*An ACT for opening and regulating public roads and highways.*

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives in General Assembly, and it is hereby enacted, by the authority of the same*, That all public roads or



highways, established by lawful authority, shall be opened, amended and kept in repair, agreeable to the directions of this act, and the courts of general quarter sessions of the peace, in their respective counties, shall have authority upon application, to make and enforce all orders necessary, as well for opening all new roads which may be useful and convenient, as to vacate any public road, or part of any public road, which, upon enquiry shall be found useless and burdensome, within the limits of their respective counties.

\* \* \* \* \*

Sec. 11. *And be it further enacted*, That the court of general quarter sessions, of each and every county, at their first term, to be held after the first day of January, yearly and every year, shall appoint a necessary number of freeholders in each and every township within their respective counties, to be supervisors of the highways; and the said supervisors of the public roads and highways, of the several townships shall, and they are hereby required and enjoined, as often as the said several roads and highways within their respective townships shall be out of repair, or as often as any new road shall be laid out and directed to be opened by lawful authority, to hire and employ a sufficient number of laborers to work upon, open, amend, clear and repair the same in the most effectual manner, and to purchase wood and other materials necessary for that purpose, and to oversee the said laborers, keep them close to their business, and take care that the said roads and highways be effectually opened, cleared, amended and repaired, according to the true intent and meaning of this act.

\* \* \* \* \*

Sec. 31. *And be it further enacted*, That the act for opening and regulating highways, passed at Cincinnati, in the county of Hamilton, the first day of August, in the year of our Lord one thousand, seven hundred and ninety-two, by Winthrop Sargent, secretary, then vested with the power of governor, and John Cleves Symmes and Rufus Putnam, judges, and all other acts, or parts of acts, coming within the

purview of this act, be, and the same are hereby repealed; and that this act shall be in force from and after the first day of January next.

EDWARD TIFFIN, *Speaker*  
*Of the House of Representatives.*  
 H. VANDER BURGH,  
*President of the Council.*

Approved—December 13th, 1799.

AR. ST. CLAIR.

—*Reprinted from "Laws of the Territory of the United States, North-West of the River Ohio. Passed at the first session of the General Assembly, begun and held at Cincinnati, on Monday, the sixteenth day of September, A. D. one thousand, seven hundred and ninety-nine: also, certain Laws enacted by the Governor and Judges of the Territory, from the commencement of the Government to December, one thousand, seven hundred and ninety two; with an Appendix, containing Resolutions, the Ordinance of Congress for the Government of the Territory, the Constitution of the United States, and the Law respecting Fugitives. Vol. I. Published by Authority. Cincinnati, From the Press of Carpenter & Findlay, Printers to the Territory, M, DCCC.,"* p. 162. (Original copy in the Michigan State Library. Lansing.)

*An ACT to regulate county levies.*

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives in General Assembly, and it is hereby enacted by the authority of the same*, That all houses in towns, town-lots, out-lots, and mansion-houses in the country, which shall be valued at two hundred dollars and upwards, and all able bodied single men, who shall not have taxable property to the amount of two hundred dollars, all water and wind-

mills and ferries, all stud horses, and other horses, mares, mules and asses, three years old and upwards, all neat cattle three years old and upwards, and all bond-servants of the age of twenty-one years and upwards, within this territory, are hereby declared chargeable for defraying the county expenses, in which they may respectively be found, to be taxed and collected, in such manner and proportion as hereinafter directed.

\* \* \* \* \*

Sec. 4. *And be it further enacted*, That the following rate of taxation shall be observed by the commissioners in levying the county tax, to-wit; on every horse, mare, mule, or ass, as aforesaid, a sum not exceeding fifty cents; on all neat cattle, as aforesaid, a sum not exceeding twelve and an half cents each; on every stud horse, not exceeding the rate for which he stands at the season; every bond servant, as aforesaid, a sum not exceeding one dollar, and every able bodied single man, of the age of twenty-one years and upwards, who shall not have taxable property to the amount of two hundred dollars, a sum not exceeding two dollars, nor less than fifty cents.

Sec. 5. *And be it further enacted*, That the court of quarter sessions, in each county, at the same time they make appointment of county commissioners, shall appoint two discreet free-holders in each township, who shall proceed to appraise and value each house in town, town-lot, out-lot, and mansion-house in the country, of the value aforesaid; and also, shall appraise and value all water and wind mills situate on such tract of country as may be assigned to them respectively, by the court of quarter sessions, taking into view, the situation and improvements of the same.

\* \* \* \* \*

Sec. 8. *And be it further enacted*, That there shall be, in each and every county within this territory, a board of commissioners, composed of three able, respectable and discreet freeholders, living within said county, who shall be appointed in the following manner, to wit: The justices of the court of

quarter sessions, in their respective counties, at the next term of said court after the first day of January, annually, shall nominate and appoint three commissioners, as aforesaid; the first commissioner named on the list of such appointments to serve for one year; the second commissioner named on such list to serve two years, and the third commissioner on such list named, to serve for three years from such appointment. And it shall be the duty of such justices, at the same term in every year, to nominate and appoint one new commissioner in each county, to supply the place of the commissioner going out of office, as aforesaid.

\* \* \* \* \*

Sec. 10. *And be it further enacted*, That it shall be the duty of said board of commissioners, or a majority of them, to meet on the first Monday of July, annually, in the towns where the courts of quarter sessions are usually held, and then and there, and at such other times thereafter as a majority of said commissioners may appoint, shall proceed to audit and adjust all claims and demands against said county, allowing all just claims and demands which now are, or hereafter shall be chargeable upon said counties, respectively. And if any person or persons shall conceive him or themselves aggrieved by the decision of the said commissioners, upon accounts or demands to them exhibited, it shall be lawful for such person or persons to appeal to the court of quarter sessions, next to be holden in and for said county, and the determination of said court, shall be final and conclusive.

\* \* \* \* \*

Sec. 11. *And be it further enacted*, That the board of commissioners for each county, at their annual meeting in July, shall appoint one of their members to act as secretary to said board for one year thereafter, whose duty it shall be to keep the books, records and files of said board of commissioners,

\* \* \* \* \*

Sec. 12. *And be it further enacted*, That the several courts of quarter sessions shall have power, and they are hereby



authorized, to make and enter into contracts, in the name and in behalf of their said counties, for building anew, or repairing county jails, court-houses, pillories, stocks and whipping-posts, and county bridges, when, and so often as the courts of quarter sessions may conceive the interest or convenience of said counties may require.

\* \* \* \* \*

Sec. 17. *And be it further enacted*, That the board of commissioners of each county, shall, and they are hereby authorised and empowered, at the time of settling their county levy, as aforesaid, to appoint a collector of county taxes and levies, \* \* \* \* \* And every collector of county taxes and levies, so appointed, may appoint one or more deputies to assist him in his collection, for whose conduct he shall be answerable. \* \* \* \* \*

Sec. 18. *And be it further enacted*, That every collector, so appointed, shall collect and pay into the county treasury all sums for which he is accountable,

\* \* \* \* \*

Sec. 25. *And be it further enacted*, That, etc. \* \* \*

[This section repeals "all other acts, and parts of acts, coming within the purview of this law."]

\* \* \* \* \*

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

EDWARD TIFFIN, *Speaker*  
Of the House of Representatives.  
H. VANDER BURGH,  
*President of the Council.*

Approved—December 19th, 1799.

AR. ST. CLAIR.

—*Reprinted from "Laws of the Territory of the United States, North-West of the River Ohio. Passed at the first session of the General Assembly, begun and held at Cincinnati, on Monday, the sixteenth day of September, A. D. one thousand, seven hundred and ninety-nine: also, certain Laws enacted*

*by the Governor and Judges of the Territory, from the commencement of the Government to December, one thousand, seven hundred and ninety two; with an Appendix, containing Resolutions, the Ordinance of Congress for the Government of the Territory, the Constitution of the United States, and the Law respecting Fugitives. Vol. I. Published by Authority. Cincinnati, From the Press of Carpenter & Findlay, Printers to the Territory, M, DCCC., p. 194. (Original copy in the Michigan State Library. Lansing.)*

#### *An ACT for the appointment of county treasurers.*

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives in General Assembly, and it is hereby enacted by the authority of the same*, That there shall be appointed by the governor, in each and every county within this territory, a county treasurer, who shall keep his office at the seat of justice of his county, and before he enters on the duties of his office he shall give a bond with two sufficient sureties to the governor and his successors in office, for the use of the territory, in the sum of three thousand dollars, conditioned for the punctual discharge of the respective duties of his office, which shall be filed in the office of the clerk of the quarter sessions.

Sec. 2. *And be it further enacted*, That in case of the death or resignation of the county treasurer, his removal from office, or removal out of the county, it shall be lawful for the court of quarter sessions to appoint another treasurer for such county, to supply the place of such as shall die, resign or be removed, as aforesaid; and the justices of the said court shall forthwith signify such appointment to the governor for his approbation, or further appointment; and the treasurer so appointed, shall do and perform all the duties of a treasurer until the governor shall commission him, or another in his stead.

\* \* \* \* \*

Sec. 3. *And be it further enacted, That, etc. \* \* \* \**  
 This law shall take effect and be in force from and after the passing thereof.

EDWARD TIFFIN, *Speaker*  
*Of the House of Representatives.*  
 H. VANDER BURGH,  
*President of the Council.*

Approved—December 19th, 1799.

AR. ST. CLAIR.

—*Reprinted from "Laws of the Territory of the United States, North-West of the River Ohio. Passed at the first session of the General Assembly, begun and held at Cincinnati, on Monday, the sixteenth day of September, A. D. one thousand, seven hundred and ninety-nine: also, certain Laws enacted by the Governor and Judges of the Territory, from the commencement of the Government to December, one thousand, seven hundred and ninety two; with an Appendix, containing Resolutions, the Ordinance of Congress for the Government of the Territory, the Constitution of the United States, and the Law respecting Fugitives. Vol. I. Published by Authority. Cincinnati, From the Press of Carpenter & Findlay, Printers to the Territory, M, DCCC."* p. 216. (*Original copy in the Michigan State Library. Lansing*).

*An ACT to regulate the enclosing and cultivating of common fields.*

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives in General Assembly, and it is hereby enacted by the authority of the same, That* those who are or shall be proprietors or owners of land, in any field that is now occupied, used, declared, or that shall hereafter be occupied, used and declared to be a common field, may meet together, by themselves or agents, annually, on the first Monday in March,

or on such other day as they shall appoint, at some convenient place, by them appointed, for the purpose of making such rules and regulations as to them shall seem meet for the well ordering of the affairs of such field, with respect to fencing and cultivation, and all other things necessary for the well managing the same, for the common interest of such proprietors; in which meeting the proprietors of such fields shall have full power, by their major vote, to be computed by interest, to order all such affairs and make such regulations as they shall deem proper and expedient, for the purpose aforesaid. *Provided always, That* any person who is a proprietor in any common field may, at any time hereafter, separate his, her or their land from such common field, by fencing the same, subject only to making and keeping in repair fences in like manner as persons having enclosures adjoining the common field, as by this law directed.

Sec. 2. *And be it further enacted, That,* the better to enable them to carry on and manage the affairs of such fields, they are hereby authorised and empowered to elect a chairman, clerk and treasurer, who shall be sworn to the faithful discharge of their duties, respectively \* \* \* \* \*

Sec. 3. *And be it further enacted, That,* for the better management of their common fields, they shall choose a committee of three persons, which shall be stiled the field committee, who shall be sworn to a faithful discharge of their duties. The said committee may call a meeting of the proprietors of such field when they shall judge it needful, by giving warning to such of them as live in the town or village, verbally, where such fields lie, and to the agents (if any) of non-resident proprietors, ten days previous to the time of such meeting, or by warning such proprietors in such other manner as they shall, in their lawful meetings, agree upon.

Sec. 4. *And be it further enacted, That* the proprietors of common fields are hereby authorised and empowered, at their lawful meetings, to grant and levy taxes on themselves, when they shall judge it needful, according to their several interests



in such fields, for the defraying the charges that may arise in setting out and designating the proportion of, or altering the fence of such fields, in making gates and bridges, or for any other public or common charge, relating to such fields; and to appoint assessors and collectors for the making, apportioning and collecting such taxes, which collectors shall have the same power and authority, in every respect, as the collectors of county taxes; which taxes, when collected, shall be paid into the hands of the treasurer, and shall be appropriated, by a majority of the proprietors, for the common benefit.

\* \* \* \* \*

Sec. 10. *And be it further enacted, That, etc* \* \* \*

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

EDWARD TIFFIN, *Speaker*  
*Of the House of Representatives.*

H. VANDER BURGH,  
*President of the Council.*

Approved—December the 19th, 1799.

AR. ST. CLAIR.

—Reprinted from "*Laws of the Territory of the United States, North-West of the River Ohio. Passed at the first session of the General Assembly, begun and held at Cincinnati, on Monday, the sixteenth day of September, A. D. one thousand, seven hundred and ninety-nine: also, certain Laws enacted by the Governor and Judges of the Territory, from the commencement of the Government to December, one thousand, seven hundred and ninety two; with an Appendix, containing Resolutions, the Ordinance of Congress for the Government of the Territory, the Constitution of the United States, and the Law respecting Fugitives. Vol. I. Published by Authority. Cincinnati, From the Press of Carpenter & Findlay, Printers to the Territory, M, DCCC,*" p. 219. (Original copy in the Michigan State Library. Lansing).

*An ACT repealing certain laws, and parts of laws.*

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives in General Assembly, and it is hereby enacted by the authority of the same, That the acts and part of acts hereinafter mentioned, shall be, and the same are hereby repealed, to-wit; \* \* \* \* \* also so much of the act entitled "A law for the better regulation of prisons," as is contained in the first, second and third sections thereof; also so much of the act entitled "A law establishing courts of judicature," as is contained in the thirteenth section thereof;*

\* \* \* \* \*

EDWARD TIFFIN, *Speaker*  
*Of the House of Representatives.*

H. VANDER BURGH,  
*President of the Council.*

Approved—December 19th, 1799.

AR. ST. CLAIR.

—Reprinted from "*Laws of the Territory of the United States, North-West of the River Ohio. Passed at the first session of the General Assembly, begun and held at Cincinnati, on Monday, the sixteenth day of September, A. D. one thousand, seven hundred and ninety-nine: also, certain Laws enacted by the Governor and Judges of the Territory, from the commencement of the Government to December, one thousand, seven hundred and ninety two; with an Appendix, containing Resolutions, the Ordinance of Congress for the Government of the Territory, the Constitution of the United States, and the Law respecting Fugitives. Vol. I. Published by Authority. Cincinnati, From the Press of Carpenter & Findlay, Printers to the Territory, M, DCCC,*" p. 240. (Original copy in the Michigan State Library. Lansing).

LOCAL GOVERNMENT IN THE TERRITORY OF  
INDIANA.

1800—1805.

## INDIANA TERRITORY.

L. S.

Willm. Henry Harrison,  
Wm. Clarke,  
Henry Vander Burgh,  
John Griffin.

*A Law supplemental to a law  
to regulate county levies,*

Adopted from the Pennsylvania code, and published at Saint Vincennes the nineteenth day of January, one thousand eight hundred and one, by William Henry Harrison, governor, William Clarke, Henry Vander Burgh, and John Griffin, judges in and over said territory.

The commissioners, or any two of them, in every county shall within three weeks after their annual appointments, issue forth their precepts directed to the constables of every township, requiring them to make, within six weeks next after the date of such precepts, fair and true certificates and lists in writing, upon their oaths or affirmations, of all persons and property declared to be objects of taxation by the law to which this is a supplement. And the said constables are hereby vested with the same powers, are to perform the same duties, be subject to the same penalties, and are to receive the same emoluments as are by the said recited law given to, or imposed upon persons therein denominated listers of land.

The foregoing is hereby declared to be a law of the territory, to take effect accordingly. In testimony whereof, we, William Henry Harrison, William Clarke, Henry Vander

Burgh, and John Griffin, have caused the seal of the territory to be thereunto affixed, and signed the same with our names.

Willm. Henry Harrison,  
Wm. Clarke,  
Henry Vander Burgh,  
John Griffin.

—Reprinted from "*Laws adopted by the Governor and Judges of the Indiana Territory, at their first Sessions held at Saint Vincennes, January 12th, 1801. Published by Authority. Frankfort, (K.) Printed by William Hunter. 1802.*" p. 5. (Reprint by Throop & Clark, Paoli, Indiana 1886)

## INDIANA TERRITORY.

L. S.

Willm. Henry Harrison,  
Wm. Clarke,  
Henry Vander Burgh,  
John Griffin.

*A Law establishing courts of  
judicature,*

Adopted from the Pennsylvania code, and published at Saint Vincennes the twenty third day of January, one thousand eight hundred and one, by William Henry Harrison, governor, William Clarke, Henry Vander Burgh and John Griffin, judges in and over the said territory.

§ 1. There shall be a court styled the general quarter-sessions of the peace, holden and kept four times in every year in every county, viz.—In the county of Knox, on the first Tuesdays of February, May, August, and November, yearly and every year;—in the county of Randolph, on the first Tuesdays of June, September, December and March, yearly and every year;—and in the county of Saint Clair, on the last Tuesdays in the same months, yearly and every year.



§ 2. There shall be a competent number of justices in every county, nominated and authorised by the governor, by commission under the seal of the territory; which said justices, or any three of them, shall and may hold the said general sessions of the peace according to law.

§ 3. The said justices of the peace or any three of them, may, pursuant to their said commissions, hold special and private sessions when and as often as occasion shall require. And the said justices and every of them, shall have full power and authority in or out of sessions, to take all manner of recognizances and obligations, as any justice of the peace in any of the United States may, can, or usually do; which said recognizances and obligations shall be made to the United States. And all recognizances for the peace, behaviour, or for appearance, which shall be taken by any of the said justices out of sessions, shall be certified into their said general sessions of the peace, to be holden next after the taking thereof: and every recognizance taken before any of them for suspicions of any manner of felony or other crime, not triable in the said court of quarter-sessions of the peace, shall be certified before the judges of the general court, or court of oyer and terminer, at their next succeeding court to be holden next after the taking thereof, without concealment of, or detaining or embezzling the same; but in case any person or persons shall forfeit his or their recognizances of the peace, behaviour or appearance for any cause whatsoever, then the recognizance so forfeited, with the record of the default, or cause of the forfeiture, shall be sent and certified without delay by the justices of the peace, into the said general court or court of oyer and terminer, as the case may require, that thence process may issue against the said parties according to law; all which forfeitures shall be levied by the proper officers, and go to the territory.

§ 4. All fines and amerciaments which shall be laid before the justices of the said courts of general quarter-sessions of the peace, shall be taxed, affeered and set, duly and truly, according to the quality of the offence, without partiality or

affection; and shall be yearly estreated by the clerks of the said courts respectively, into the said general court or court of oyer and terminer: to the intent that process may be awarded to the sheriff of every county, as the case may require, for levying such of their fines and amerciements as shall be unpaid to the uses for which they are or shall be appropriated.

§ 5. Provided always, that the said courts of the general quarter-sessions of the peace, may be kept and continued for the space of three legal days, or seventy-two hours, in every of the said counties respectively, at any of the said times herein before appointed to hold and keep the said court and sessions there.

§ 6. To the end that persons indicted or outlawed, for felonies or other offences, in one county or town corporate, who dwell, remove or be received into another county or town corporate, may be brought to justice, it is hereby directed that the justices, or any of them, shall and may direct their writs or precepts to all or any of the sheriffs or other officers of the said counties, (where need shall be) to take such persons indicted or outlawed; and it shall and may be lawful to and for the said justices, and every of them, to issue forth subpoenas and other warrants under their respective hands and seal of the county, into any county or place of this territory, for summoning or bringing any person or persons to give evidence in & upon any matter or cause whatsoever, now or hereafter examinable or in any ways triable by or before them, or any of them, under such pains and penalties as subpoenas or warrants of that kind usually are or ought by law to be granted or awarded.

§ 7. If any person or persons shall find him or themselves aggrieved by the judgment of any of the said courts of general quarter-sessions of the peace, or of any other court of record within this territory, it shall and may be lawful to and for the party or parties so aggrieved to appeal from the said judgment, under the restrictions and regulations of the law 'to regulate the practice of the general court upon appeals and writs of error,' or to have his or their writ or writs of error

which shall be granted of course, in manner as other writs are to be granted and made returnable to the general court.

\* \* \* \* \*

§ 14. A competent number of persons shall be commissioned by the governor, under the seal of the Territory, as justices of the common pleas, who shall hold and keep a court of record in every county, and which shall be styled and called the court of common pleas, of (naming the particular county) and shall be holden four times in every year, in each county, at the place where the general quarter-sessions of the peace shall be respectively kept; which said justices, or any three of them, according to the tenor or directions of their commissions, shall hold pleas of assize, scire facias, replevins, and hear and determine all and all manner of pleas, suits, actions and causes, civil, personal, real and mixed, according to law.

§ 15. Every of the said justices shall, and are hereby empowered to grant, under the seal of their respective courts, replevins, writs of partition, writs of view, and all other writs and process upon the said pleas and actions, cognizable in the said respective courts, as occasion may require.

§ 16. The said justices of the said respective courts last mentioned, shall and are hereby empowered to issue forth subpoenas under their respective hands and seal of the court, into any county or place within this Territory, for summoning or bringing any person or persons, to give evidence in, or upon the trial of any matter or cause whatsoever, depending before them, or any of them, under such pains and penalties, as by the rules of the common law, and course of the practice of the general court, are usually appointed.

§ 17. Upon any judgment obtained in any of the said courts of common pleas, and execution returned by the sheriff or coroner of the proper county where such judgment was obtained, that the party is not to be found, or hath no lands and tenements, goods or chattels in that county; and thereupon it is testified, that the party skulks, or lies hid, or hath lands, tenements, goods or chattels in another county, in this Territory; it shall and may be lawful to, and for the court that

issued out such execution, to grant, and they are hereby required to grant an alias execution, with a testatum, directed to the sheriff or coroner of the county or place where such person lies hid, or where his lands or effects are; commanding him to execute the same, according to the tenor of such writ or writs, and make return thereof to the court of common pleas, where such recovery is had, or judgment given; and if the sheriff, or coroner to whom such writ or writs, shall be directed, shall refuse or neglect to execute and return the same accordingly; he shall be amerced in the county where he ought to return it, and be liable to the action of the party grieved; and the said amercement shall be duly and truly set, according to the quality of the offence, and estreated by the prothonotaries of the respective courts of common pleas into the next succeeding general court, or court of oyer and terminer, in course, that thence process may issue against the offenders, for levying such fines and amercements as shall be unpaid, to the uses for which they are, or shall be appropriated.

§ 18. All suits, actions, and causes before the general court, or the courts of common pleas, & general quarter-sessions of the peace, that shall remain undetermined, shall be continued over to the next respective term ensuing, under the authority of this law.

§ 19. The courts of common pleas in each county, shall commence their term, on the same day as herein directed for the commencement of the courts of general quarter-sessions of the peace.

The foregoing is hereby declared to be a law of the territory, to take effect accordingly. In testimony whereof, we, William Henry Harrison, William Clarke, Henry Vander Burgh and John Griffin, have caused the seal of the territory, to be thereunto affixed, and signed the same with our names.

*Willm. Henry Harrison, Henry Vander Burgh,  
Wm. Clarke, John Griffin.*

—*Reprinted from "Laws adopted by the Governor and Judges of the Indiana Territory, at their first Sessions held at Saint*



Vincennes, January 12th, 1801. Published by Authority.  
Frankfort, (K.) Printed by William Hunter, 1802." p. 14.  
(Reprint by Throop & Clark, Paoli, Indiana, 1886.)

*A Law for the appointment of  
Surveyors and their deputies.*

INDIANA TERRITORY.

L. S.

Adopted from the Virginia code, and published at Vincennes the thirtieth day of January, one thousand eight hundred and two, by William Henry Harrison, governor, and William Clarke, Henry Vander Burgh, and John Griffin, judges in and over said territory.

§ 1. A Surveyor shall be appointed in every county and commissioned by the governor, with reservation in such commission for one-sixth part of the legal fees for the use of the territory, for the yearly payment of which he shall give bond with sufficient security to the governor, shall reside within his county, and before he shall be capable of entering upon the execution of his office, shall, before the court of quarter-sessions of said county take an oath, and give bond with two sufficient sureties to the governor and his successors, in such sum as he shall direct for the faithful execution of his office.

§ 2. All deputy surveyors shall be nominated by their principals, who shall be answerable for them, and if of good character commissioned by the governor, and shall thereupon be entitled to one half of all fees received for services performed by them respectively, after deducting the proportion thereof due to the territory.

§ 3. If any principal surveyor shall fail to nominate a sufficient number of deputies to perform the services of his office in due time, the court of quarter sessions of the county shall direct what number he shall nominate, and in case of failure, shall nominate for him, and if any deputy surveyor, or any other on his behalf and with his privity shall pay or agree to pay any greater part of the profits of his office, sum of money in gross, or other valuable considerations to his principal for his recommendation or interest in procuring the deputation, such principal and his deputy shall be thereby rendered incapable of serving in such office.

§ 4. That no survey shall be made without chain carriers, to be paid by the person demanding the same, and sworn to measure justly and exactly to the best of their knowledge, and to deliver a true account thereof to the surveyor, which oath every surveyor is hereby empowered and required to administer.

The foregoing is hereby declared to be a law of the territory, to take effect from the adoption thereof. In testimony whereof, we, William Henry Harrison, William Clarke, Henry Vander Burgh, and John Griffin, have caused the seal of the territory to be hereunto affixed, and signed the same with our names.

William Henry Harrison.  
Wm. Clarke.  
Henry Vander Burgh,  
John Griffin.

—Reprinted from "*Laws adopted by the Governor and Judges of the Indiana Territory, at their second and third sessions, begun and held at Saint Vincennes, 30th January, 1802, & February 16th, 1803. Published by Authority. Vincennes, (I. T.) Printed by E. Stout. 1804.*" p. 3. (Reprint by Throop & Clark, Paoli, Indiana, 1886.)

*A Law to regulate county levies.*

INDIANA TERRITORY.

L. S.

Taken from the law heretofore in force in the territory on that subject, and from the Virginia code published at Vincennes the fifth day of November, one thousand eight hundred and three by William Henry Harrison governor, and Thomas T. Davis and Henry Vander Burgh judges in and over the same.

[This law constituted the court of quarter sessions of the peace the taxing authority. The sheriff was made assessor and collector of the taxes.]

The foregoing is hereby declared to be a law of the Territory, to take effect on and from the first of January next. In testimony whereof, we, William Henry Harrison, Thomas Terry Davis, and Henry Vander Burgh, have caused the seal of the territory to be thereunto affixed, and signed the same with our names.

William Henry Harrison,  
Thomas Terry Davis,  
Henry Vander Burgh.

—Reprinted from "*Laws Adopted by the Governor and Judges of the Indiana Territory, at their second and third sessions, begun and held at Saint Vincennes, 30th January, 1802 & February 16th 1803. Published by Authority. Vincennes, (I. T.) Printed by E. Stout. 1804.*" p. 63. (Reprint by Throop & Clark, Paoli, Indiana, 1886)



## NUMBER XII.

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### INTRODUCTION.

The documentary material presented in this number is illustrative of the development of Local Government in the Territory of Michigan from the establishment of the said Territory in 1805 to the year 1816.

In reprinting the laws of the Territory of Michigan dealing with Local Government I have omitted such sections and parts of sections as in my judgement are of no considerable value to the student of Local Constitutional History. But all omissions are clearly indicated by the asterisk.

B. F. S.

## LOCAL GOVERNMENT IN THE TERRITORY OF MICHIGAN.

AN ACT concerning the marshal of the territory of Michigan.

*Be it enacted by the Governor and the Judges of the territory of Michigan,* That the marshal of the territory of Michigan, before he exercise his office, shall enter into bond to the United States of America, in the penal sum of ten thousand dollars,

\* \* \* \* \*

Section 3. *And be it enacted,* That the deputies, which the said marshal shall, under his hand and seal, make and appoint within the territory, shall respectively take, before any judge of the territory, or justice of the peace, similar oaths, \* \*

Section 4. *And be it enacted,* That in case the office of marshal shall become vacant, by the death of the marshal, or other cause, the deputies made and appointed by him, shall in all things execute the office, until a successor shall be appointed,

\* \* \* \* \*

Section 6. *And be it enacted,* That the marshal and his deputies are directed and empowered to serve any warrant or precept issuing from a justice of the peace, and each justice shall have authority to command the assistance of the marshal and his deputies, and all other persons present at an affray, riot, assault, or battery; and any person refusing assistance, shall, on conviction, be fined not exceeding six dollars and sixty-six cents; the same being adopted from the laws of one of the original States, to wit, the State of Massachusetts, as far as necessary and suitable to the circumstances of the territory of Michigan.

Section 7. *And be it enacted,* That the marshal of the territory of Michigan, shall have the custody, rule and charge of all jails, and prisons therein, and of all prisoners in such jails and prisons; the same being adopted from the laws of one of the original States, to wit, the State of Massachusetts, as far as necessary and suitable to the circumstances of the territory of Michigan.



Section 8. *And be it enacted*, That the marshal and his deputies shall be conservators of the peace, and in the absence of a justice of the peace, shall suppress all affrays, riots, and insurrections, and shall in the same manner as a justice of the peace, and under the same penalty for refusal, call to his and their aid, such persons as he or they may deem necessary. The marshal and his deputies shall pursue, apprehend, and bring to justice, all felons, and other offenders, and shall duly attend upon all courts held within the territory, during their session; the same being adopted from the laws of one of the original States, to wit, the State of Ohio, as far as necessary and suitable to the circumstances of the territory of Michigan.

Adopted and published at Detroit, the tenth day of July, one thousand eight hundred five.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 2. (From the "Woodward Code")*

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AN ACT prescribing the oath of a justice of the peace.

*Be it enacted by the Governor and the Judges of the territory of Michigan*, That every justice of the peace in the territory of Michigan, before he exercise his office, shall take, in addition to the oath, or affirmation, to support the constitution of the United States, an oath, or affirmation, in the form and to the effect following, to wit; I, repeating the name of the person, do solemnly swear and declare, that I will, to the best of my knowledge and ability, execute the office of a justice of the peace, in the district of, inserting here the name of the district, in the territory of Michigan, according to the constitution and laws of the United States, and of the territory of Michigan, in defence of the freedom and independence thereof, and for the maintenance of liberty, and the distribution of justice among the citizens and inhabitants of the said territory, without any fear, favor, partiality, affection, or hope of reward; the same being adopted from the laws of one of the original States, to

wit, the State of New York, as far as necessary and suitable to the circumstances of the territory of Michigan.

Adopted and published at Detroit, the twelfth day of July, one thousand eight hundred five.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 6. (From the "Woodward Code")*

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AN ACT concerning district courts.

*Be it enacted by the Governor and the Judges of the territory of Michigan*, That the territory of Michigan shall be divided into judicial districts, and a court holden in each, in the manner and at the times and places hereinafter mentioned, that is to say; the district of Erie, as constituted by an act of the governor of the territory of Michigan, bearing date the third day of July, one thousand eight hundred five, shall be one district, and a court shall be holden for the same, at such place as the marshal of the territory of Michigan shall provide, on the third Monday in May, and the first Monday in September, in every year; the districts of Huron and Detroit, as constituted by the act of the governor of the territory of Michigan, bearing date on the day and year first aforesaid, shall compose one other district, and a court shall be holden for the same, at such place in Detroit, as the marshal of the territory of Michigan shall provide, on the first Monday in May, and the third Monday in August, in every year; and the district of Michilimackinac, as constituted by the act of the governor of the territory of Michigan, bearing date on the same day and year last aforesaid, shall be another district, and a court shall be holden for the same, at such place as the marshal of the territory of Michigan shall provide, on the fourth Monday of June, in every year. Each court shall sit as long as business may require, and shall be a court of record. Those districts, counties, or divisions, which shall

hereafter be made by the governor, or other competent authority, shall, if taken] from one district, or from two or more counties, or other] divisions lying in] the same district, remain in the judicial district, to which they formerly belonged; and if taken from two or more districts, they shall be annexed, unless it be otherwise provided by the legislative power, to such judicial districts as shall be appointed by the executive, subject to the revision of the legislative power; the same being adopted from the laws of one of the original States, to wit, the State of Virginia, as far as necessary and suitable to the circumstances of the territory of Michigan.

Section 2. *And be it enacted*, That it shall be the duty of one of the judges of the territory of Michigan, to attend each district court, at their respective terms, and the said judge shall constitute a court for such district; provided, nevertheless, that if any judge shall not be able to attend the court, to which he shall be allotted by a majority of the judges of the territory, in such case any other judge of the territory shall constitute the said court; the same being adopted from the laws of one of the original States, to wit, the State of Virginia, as far as necessary and suitable to the circumstances of the territory of Michigan.

Section 3. *And be it enacted*, That the jurisdiction of the said courts, respectively, shall be over all persons, causes, matters, or things, which shall exceed the value of twenty dollars, whether brought before them by original process, or by any legal ways or means whatsoever; except in cases exclusively vested in any other court. The said court shall have power to try all issues, and enquire of damages by a jury, in all causes before them, and to determine all questions concerning the legality of evidence, and other matters of law, which may arise; for which trial the court shall cause the marshal to summon, impanel and return jurors; the same being adopted from the laws of one of the original States, to wit, the State of Virginia, as far as necessary and suitable to the circumstances of the territory of Michigan.

Section 4. *And be it enacted*, That whensoever, and as often as there shall be a vacancy in the office of clerk of any district court, it shall be lawful for a majority of the judges of the territory of Michigan, to appoint, under their hands, a clerk. Every person appointed clerk of any district court, having taken the oath and entered into bond, as required from the clerk of the supreme court, adopting the same to the district court, shall thenceforth be enabled to execute the duties of his office; and when such vacancy shall not be supplied by a majority of the judges of the territory, until the session of the district court, in which the vacancy shall be, it shall be lawful for the judge attending, to appoint a clerk *pro tempore*; the same being adopted from the laws of one of the original states, to wit, the State of Virginia, as far as necessary and suitable to the circumstances of the territory of Michigan.

Section 5. *And be it enacted*, That the proceedings of the said courts shall, as nearly as may be, conform to the law and the practice of the supreme court; the same being adopted from the laws of one of the original States, to wit, the State of Virginia, as far as necessary and suitable to the circumstances of the territory of Michigan.

Section 6. *And be it enacted*, That the description in writing of the temporary seals of the courts of the districts of Erie, of Huron, and Detroit, and of Michilimackinac, deposited and recorded in the office of the secretary of the territory, shall remain as public records, and the clerks of the said courts, respectively, shall have the custody of the said seals; the same being adopted from the laws of one of the original States, to wit, the State of New York as far as necessary and suitable to the circumstances of the territory of Michigan.

Adopted and published at Detroit, the twenty-fifth day of July, one thousand eight hundred five.<sup>1</sup>

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 17. (From the "Woodward Code")*

<sup>1</sup> Repealed by act of February 24th, 1809.—See Laws of the Territory of Michigan, Vol. IV., p. 83.



AN ACT concerning the recovery of debts to the value of twenty dollars.

*Be it enacted by the Governor and Judges of the territory of Michigan,* That all actions wherein the sum of, or balance due, or damages, or thing demanded, shall not exceed twenty dollars; and also all penalties not exceeding the said sum, shall be cognizable before any justice of the peace of the district; and every such justice is hereby authorized to hear, try and determine the same, and shall sign all process issued by him; and his proceedings, signed by him, shall be records; the same being adopted from the laws of one of the original States, to wit, the State of New York, as far as necessary and suitable to the circumstances of the territory of Michigan.

\* \* \* \* \*

Adopted and published at Detroit, the first day of August, one thousand eight hundred five.<sup>1</sup>

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 21. (From the "Woodward Code")*

AN ACT concerning marriages.

*Be it enacted by the Governor and Judges of the territory of Michigan,* That every justice of the peace, and every regular minister of the gospel, shall be, and hereby is authorized and empowered to solemnize marriage; provided, that one of the parties to be married, is an inhabitant of or a resident in the district, where such justice or minister resides; the same being adopted from the laws of one of the original States, to wit, the State of Massachusetts, as far as necessary and suitable to the circumstances of the territory of Michigan.

\* \* \* \* \*

<sup>1</sup> Repealed by act of February 24th, 1809. —See Laws of the Territory of Michigan, Vol. iv., p. 83.

Adopted and published at Detroit, the second day of August, one thousand eight hundred five.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 30. (From the "Woodward Code")*

AN ACT concerning appeals.

*Be it enacted by the Governor and the Judges of the Territory of Michigan,* That when either plaintiff or defendant shall think himself aggrieved by the judgment of a justice of the peace, he may appeal to the court of the district. \* \*

\* \* \* \* \*

Section 2. *And be it enacted,* That where any party shall think themselves aggrieved by the judgment or sentence of the court of any district, in any action, matter or conduct whatsoever, such party may enter an appeal for such judgment, or sentence, to the supreme court of the territory of Michigan. Writs of error may be granted by any judge of the supreme court, to a judgment of the court of a district. \*

\* \* \* \* \*

Adopted and published at Detroit, the twentieth day of August, one thousand eight hundred five.<sup>1</sup>

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 37. (From the "Woodward Code")*

AN ACT concerning ferries, tavern-keepers, and retailers of merchandise.

*Be it enacted by the Governor and the Judges of the territory of Michigan,* That no person shall be authorized to keep a ferry on, or across any of the waters, running through, or

<sup>1</sup> Repealed by act of February 24th, 1809. —See Laws of the Territory of Michigan, Vol. iv., p. 83.

bounding this territory, unless he shall have first obtained a license therefor from three justices of the peace in the district, and have paid to the marshal the price thereof, and which shall be returned to the clerk of the court of the district; the same being adopted from the laws of one of the original States, to wit, the State of Ohio, as far as necessary and suitable to the circumstances of the territory of Michigan.

\* \* \* \* \*

Section 5. *And be it enacted*, That no person shall be permitted to retail any merchandise, other than the growth or manufacture of the United States, within this territory, unless the person shall have first obtained a license from three justices of the peace, which shall be returned to the clerk of the court of the district, and paid to the marshal the price thereof; the same being adopted from the laws of one of the original States, to wit, the State of Ohio, as far as necessary and suitable to the circumstances of the territory of Michigan.

\* \* \* \* \*

Section 7. *And be it enacted*, That no person shall be permitted to keep a tavern, or sell, barter, or deliver for money, or other article of value, any wine, rum, brandy, whiskey, or other spirits, or strong drink, by less quantity than one quart, or any cider, beer, or ale, by less quantity than one gallon, unless the person shall have first obtained a license from three justices of the district, and have paid to the marshal the price thereof, and which shall be returned to the clerk of the court of the district; the same being adopted from the laws of one of the original States, to wit, the State of Ohio, as far as necessary and suitable to the circumstances of the territory of Michigan,

\* \* \* \* \*

Adopted and published at Detroit, the twenty-ninth day of August, one thousand eight hundred five.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 40. (From the "Woodward Code")*

AN ACT concerning compensations.

*Be it enacted by the Governor and the Judges of the Territory of Michigan*, That \* \* \* \* \*

\* \* \* \* \*

Section 5. *And be it enacted*, That there shall be allowed to every justice of the peace in the Territory of Michigan, the following compensations for his services, to be paid by the parties requiring the services respectively, on the same being rendered, to wit; for issuing an original warrant, and docketing the case, twenty-five cents; for making any entry relative to the case, six and one fourth cents; for a summons for a witness or witnesses, six and one fourth cents; for a judgment, twenty-five cents; for an execution, or any other precept, twelve and one half cents; for filing any paper, six and one fourth cents; for swearing a witness, or administering any other oath, not of a public nature, the same; for a copy of any matter, for every one hundred words, the same; for a marriage, two dollars; the same being adopted from the laws of three of the original States, to wit, the States of Maryland, Massachusetts, and Pennsylvania, as far as necessary and suitable to the circumstances of the Territory of Michigan.

\* \* \* \* \*

Adopted and published at Detroit, the thirtieth day of August, one thousand eight hundred five.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 54. (From the "Woodward Code")*

AN ACT in addition to "An act concerning the marshal of the territory of Michigan."

*Be it enacted by the Governor and the Judges of the territory of Michigan*, That the marshal, as soon as he shall be certified of the dead body of any person, supposed to have come



to his or her death by violence or casualty, found or lying within any district of the territory, shall forthwith summon a jury of good and lawful men of the district, at such time and place as he shall appoint. \* \* \* \* \*

Section 2. *And be it enacted*, That \* \* \* Upon an inquisition found of the death of any person by the felony or misfortune of another, the marshal shall speedily inform one or more of the justices of the district thereof, to the intent, that the person killing or being any way instrumental to the death, may be apprehended, examined, and secured in order for trial; the same being adopted from the laws of one of the original States, to wit, the State of Massachusetts, as far as necessary and suitable to the circumstances of the territory of Michigan.

\* \* \* \* \*

Section 4. *And be it enacted*, That a vice-marshal, to be appointed by the Governor, with similar powers to the marshal, shall serve all writs and precepts, when the marshal, or his deputies, shall be a party to the same, and shall, if the court so order, return jurors *de talibus circumstantibus*, in all causes where the marshal shall be interested. \* \* \*

\* \* \* \* \*

Adopted and published at Detroit, the thirteenth day of September, one thousand eight hundred five.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 70. (From the "Woodward Code")*

#### AN ACT concerning highways and roads.

*Be it enacted by the Governor and the Judges of the territory of Michigan*, That \* \* \* \* \*

\* \* \* \* \*

Section 4. *And be it enacted*, That the Governor of the territory of Michigan, shall divide the territory of Michigan,

and the permanent highways thereof, and all temporary existing roads, into as many road-districts as he shall think proper; the same being adopted from the laws of one of the original States, to wit, the State of New York, as far as necessary and suitable to the circumstances of the territory of Michigan.

Section 5. *And be it enacted*, That it shall be the duty of the supervisors to be appointed by the Governor of the territory of Michigan, in the road districts, to repair and keep in order the highways and roads in their districts, to warn all persons assessed to work on the highways and roads in their respective districts, to come and work, to recover all fines and commutation money, and to execute all such orders of the Governor, as shall be given to them in relation to this law; and if any supervisor shall be employed more days in executing his duties than he is assessed to work, he shall be paid for the excess at the rate of one dollar per day, and he shall be allowed to retain the same out of the monies recovered for fines, in conformity to this act, but shall not be permitted to commute for the days he is assessed. All freeholders, and every free male inhabitant being above the age of twenty-one years, shall be assessed to work on the highways and roads, provided, that ministers of the gospel, and priests, shall be exempted. The supervisors shall make a list of all the inhabitants in his district, liable to work on the roads and highways, including himself, and shall affix to the name of each person, respectively, the number of days which such person shall be liable to work in the same year, and if any person shall be left out, or there shall be an accession of new inhabitants, to add their names and number of days respectively. No person shall be assessed more than thirty days, nor less than one day in one year. Every person shall work the whole number of days assessed, or commute for the same at the rate of sixty-two and one half cents, for every day. If any supervisor shall require any team, cart, waggon, plough, horse or ox, the person furnishing the same, when warned so to do by the supervisor, shall be entitled to a credit of two days for each and the fine

for neglect shall be proportionable. Any person warned to attend with such implements, cattle and carriages, as the supervisor shall require, and shall neglect to appear in person, or by an able-bodied man as a substitute, or to bring with him the cattle, implements or carriages required, or shall remain idle, and not work faithfully, or hinder others from working, or refuse to pay the commutation money, such offender shall forfeit for every offence, one dollar, and it shall be the duty of the supervisor within six days thereafter to institute suit before a justice for the same, payable when recovered, to the marshal, and by him to the treasurer, deducting the sum entitled to be retained by the supervisor, as aforesaid. Every supervisor neglecting to warn the people to work, or to collect fines and commutations, or neglecting any of his duties, shall forfeit for every offence, ten dollars. Any person obstructing a road or highway, shall forfeit for every offence five dollars; the same being adopted from the laws of one of the original States, to wit, the State of New York, as far as necessary and suitable to the circumstances of the territory of Michigan.

Adopted and published at Detroit, the eighteenth day of September, one thousand eight hundred five.<sup>1</sup>

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 75. (From the "Woodward Code")*

#### AN ACT for the relief of the poor.

*Be it enacted by the Governor and the Judges of the territory of Michigan,* That whenever any person shall set forth to any three justices of the peace, a petition in writing, alleging that such person is destitute of support and is incapable of labor, and such justices, having enquired into, shall believe the said allegations, and shall grant to the pauper a certificate thereof,

<sup>1</sup> Repealed by act of January 18th, 1809. —See reprint of said act in this number.

and of their approving of such person becoming a public charge, it shall be lawful for the marshal of the territory, to contract with the person offering the lowest terms for the support of such pauper; provided, that no contract be made for a greater sum than twenty-five cents for a day, and provided, that no contract be made for a greater sum than the unexpended part of an existing appropriation previously made for the relief of the poor, will be competent to pay; and the treasurer is hereby authorized to audit the accounts for the same; the same being adopted from the laws of one of the original States, to wit, the State of New Jersey, as far as necessary and suitable to the circumstances of the territory of Michigan.

Adopted and published at Detroit, the eighth day of October, one thousand eight hundred five.<sup>1</sup>

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 90. (From the "Woodward Code")*

#### AN ADDITIONAL ACT concerning district courts.

Section 1. *Be it enacted by the Governor and the Judges of Michigan,* That so much of the act entitled "An act concerning district courts," as requires one of the judges of the territory to constitute the court of the district, be, and the same is hereby repealed.

Sec. 2. *And be it enacted,* That the Governor shall appoint and commission, for each district of Michigan, one person, of integrity, experience, and legal knowledge, who shall reside in the district, to be chief judge of the district; and two other persons, of integrity, experience, and legal knowledge, who shall reside in the district, to be associate judges; and the said

<sup>1</sup> Repealed by act of February 24th, 1809. —See Laws of the Territory of Michigan, Vol. iv., p. 83.



judges shall hold their commissions during good behavior, and shall be removed for misbehavior, on conviction in a court of law, and any two of the said judges may hold the court; the same being adopted from the laws of one of the original States, to wit: the State of Maryland, as far as necessary and suitable to the circumstances of Michigan.

Sec. 3. *And be it enacted*, That from and after the first day of June, one thousand eight hundred seven, so much of the act as relates to the appointment of the clerk of the court be repealed; and the clerk shall be appointed by the judges of the district court, or any two of them.

\* \* \* \* \*

Sec. 5. *And be it enacted*, That in addition to the powers granted to the district courts by the act concerning district courts, the judges to be appointed under this act, or a majority of them, shall have power to make assessments of money, on the property and persons of the inhabitants of their respective districts, and appropriate the same for the purpose of defraying district charges; and that the same judges, or a majority of them, shall have power to appoint a treasurer, and such assessors and collectors, as shall be necessary to carry the said act in effect; and grant them such compensations, for their services, as they shall deem reasonable; the same being adopted from the laws of one of the original States, to wit: the State of Massachusetts, as far as necessary and suitable to the circumstances of Michigan.<sup>1</sup>

\* \* \* \* \*

Adopted, made, and published, at Detroit, the second day of April, one thousand eight hundred seven.<sup>2</sup>

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 7.*

<sup>1</sup> This section repealed by act of January 17th, 1809. —See said act as reprinted in this number.

<sup>2</sup> Repealed by act of February 24th, 1809. —See Laws of the Territory of Michigan, Vol. IV., p. 83.

AN ACT to provide for the assessment and collection of a territorial tax.

*Be it enacted by the Governor and Judges of the Territory of Michigan*, That no person shall be permitted to retail any goods, wares, or merchandise within this Territory other than the growth or manufacture of the United States, or keep a tavern or public house, or occupy or employ any ferry boat or other water craft for transporting persons or property across any rivers or other waters within or bounding this Territory, for hire, after the tenth day of January next unless he shall have received a license therefor from three justices of the peace, within the district where such person resides, and any three justices as aforesaid are hereby authorized, on application, to grant such license, and shall assess such persons respectively in a sum they shall deem equitable, according to the profits arising from their respective operations; *Provided*: That no retailers of merchandise shall be assessed more than twenty dollars nor less than five dollars, nor any tavern keeper more than twenty dollars nor less than one dollars, nor any keeper of a ferry at more than fifteen dollars nor less than one dollar, and the justices assessing as aforesaid shall furnish the treasurer of the Territory with a certificate of the names of the several persons licensed by them and the sums in which they have assessed each person, on or before the first day of February next, and shall likewise fix and certify the rates of ferriage each ferry keeper is authorized to demand; and if any person shall retail any goods, keep a tavern or ferry after the said tenth day of January without having obtained a license as aforesaid, he shall be liable to pay a sum not exceeding fifty dollars to the treasury of the Territory, to be recovered in the name of the treasurer thereof with costs of prosecution in an action brought on this statute before any court of competent jurisdiction.

Sec. 2. *Be it enacted*, That there shall be collected from each auctioneer a tax of twenty dollars, and from every person

keeping one or more stud horses the sum of two dollars for each horse.

Sec. 3. *Be it enacted*, That the treasurer shall make a list of the persons liable to pay taxes either by the first or second section of this act, and affix the sums severally to their names and sign the same in his official capacity and deliver it to the marshal of the Territory, taking his receipt for the same, and the said marshal shall collect and pay the amount thereof into the treasury on or before the first day of June next.

\* \* \* \* \*

Adopted and published at the city of Detroit, within the Territory of Michigan, this twenty-seventh day of December, one thousand eight hundred and eight.

—*Reprinted from Laws of the Territory of Michigan, Vol. IV., p. 38.*

AN ACT prescribing the mode of assessing and collecting taxes within this Territory.

*Be it enacted by the Governor and Judges of the Territory of Michigan*, That the judges of the respective district courts within this Territory, or a majority of them, shall, sometime in the month of March, annually, appoint in each respective district three discreet persons, who shall be denominated district assessors, who shall, between the first day of June and the fifteenth day of July in each year, make out a roll of all the free male inhabitants of the district over the age of twenty-one years and under sixty, and also a roll of all those over eighteen years and under twenty-one, on which roll, agreeable to a form to be furnished by the treasurer of the Territory, they shall make assessment in the manner following, to-wit: on each head or poll over twenty-one years and under sixty, twenty dollars; on each head or poll over eighteen and under twenty-one, ten dollars; on each acre of improved land other

than orchardings, one dollar and seventy-five cents; on each acre of orchard, ten dollars; on each house of the value of two hundred dollars and upward, at the rate of two per cent on its just value; on each pleasure wheel carriage, eight per cent on its just value; on each horse kind of three years old and upwards, thirteen dollars and fifty cents; on each ox, bull, cow, steer, or heifer of three years old and upward, six dollars and fifty cents; on each house clock, other than wooden clocks, and gold watches, ten dollars, and on other watches, three dollars; and shall assess each practicing attorney, physician, merchant, auctioneer, or peddler, and each keeper of tavern or ferry such sum as shall seem proportionable and just according to the profits arising to them respectively from their professions or employments, not exceeding two hundred dollars, nor less than twenty dollars each; which roll of assessments made up as aforesaid shall be signed by said assessors, or any two of them, and delivered to their respective district treasurers, and an exact duplicate returned to the treasurer of the Territory on or before the thirty-first day of July following, \* \* \* \* \*

Sec. 2. *And be it enacted*, That when it is necessary to collect a territorial tax the same shall be first assessed by the legislature thereof, declaring what sum shall be raised upon the dollar of the aggregate of the whole of the last preceeding district assessments, made and returned to the treasurer of the territory, agreeable to the provisions of the first section of this act, and thereupon it shall be the duty of the treasurer of the territory to make out a roll or rate bill on which shall be written the names of the several persons found on the returns made by the district assessors as aforesaid, annexing to the names severally the sum of which they stand assessed, and on another column, in which shall be entered the sum of the tax to be collected, and shall sign the same, affixing the office of treasurer of the territory, and shall deliver the same to the marshal of the territory, taking his receipt for the amount of the said tax, specifying the time within which the marshal is



to collect and account for the same at the said treasury, which shall not exceed the first day of the following October.

\* \* \* \* \*

Sec. 4. *And be it enacted*, That in levying and collecting district taxes the same mode shall be pursued as is pointed out by the second and third sections of this act, except the tax shall be assessed by the district courts, and the rate bill shall be made by the district treasurer, and delivered to the marshal of the district, and the treasurer and marshal of each respective district shall have the same powers and be subject to the same accountability in the making up and collecting of district taxes as are by this act given to or imposed on the treasurer and marshal of the Territory in making up and collecting territorial taxes.

Sec. 5. *And be it enacted*, That when any person shall think himself oppressed by any assessment made pursuant to this act, he shall have a right to make application to the judges of the court of the district where the assessment was made, who or any two of them, on a consideration of the complaint, are hereby authorized and empowered to make such abatement in such assessment as they shall deem equitable and just, and transmit immediately a certificate thereof to the district and territorial treasurers: *Provided*, That in no case shall the judges have power to lessen any assessment more than one-fourth part.

Sec. 6. *And be it enacted*, That there shall be appointed a treasurer in each district by the judges thereof, who, before he enters upon the duties of his office, shall enter into bonds to the district in such sum and with such sureties as shall be prescribed and approved by said judges, which bond shall be lodged in the office of the clerk of the district court for the security of the district; and the said treasurer shall take an oath before one of the judges of the district court for the faithful discharge of his duty as treasurer to the district, and shall, annually, and oftener if required by the district court, or the legislature of the territory, render a full, fair, and accurate account of the state of the treasury, and no money shall be

paid out of the treasury but in consequence of an appropriation thereof made by the judges of the district, or a majority of them. And it shall be the duty of the treasurer to examine, state, settle, and audit the claims against the district, and to give the claimant a certificate of the sum due; and the person holding such certificate, before he shall be entitled to draw the money from the treasury thereon, shall procure an order founded on such certificate from one of the judges of the district court, which certificate and order as aforesaid, together with the receipt of the person in whose favor the money shall be drawn, shall be good accounting for the treasurer in his settlement with the district.

Sec. 7. *And be it enacted*, That the judges of the several district courts may respectively allow such compensations to the treasurer for his services as shall be equitable, not exceeding twenty dollars per annum; and likewise compensations to the assessors, not exceeding one dollar per day each for each day actually spent in the business required of them by this act.

Sec. 8. *And be it enacted*, That there shall be allowed to the marshal of the Territory six per cent on all territorial taxes by him collected and paid into the treasury, and six per cent to the marshals of the several districts on all district taxes by them collected and paid into the district treasury.

Sec. 9. *And be it enacted*, That the fifth section of the act entitled "An additional act concerning district courts," passed the second day of April, one thousand eight hundred and seven, be and the same is hereby repealed; \* \* \* \* \* the same being adopted from the laws of one of the original States, to wit: The State of Vermont, as far as necessary and suitable to the circumstances of the Territory of Michigan.

Adopted and published at the city of Detroit within the Territory of Michigan, this seventeenth day of January, one thousand eight hundred and nine.

—*Reprinted from Laws of the Territory of Michigan, Vol. IV., p. 40.*

AN ACT concerning highways.

*Be it enacted by the Governor and Judges of the Territory of Michigan,* That the judges of the respective district courts shall, before the month of April next, divide each district by suitable designating descriptions into such parts as they shall deem necessary, to be denominated highway districts, and shall cause such divisions to be recorded in the district treasurer's office, subject to be altered by said judges.

Sec. 2. *And be it enacted,* That the judges aforesaid shall, in the month of March, annually appoint a suitable person in each highway district who shall be denominated surveyor of highways, and shall furnish the district treasurer with a list of their names, who shall, before they enter on the duties assigned them by this act, take an oath before some magistrate in this territory faithfully and impartially to perform the same, and any person appointed as aforesaid, who shall neglect or refuse to be qualified and serve in such capacity, unless he show satisfactory cause to the said judges for neglecting or refusing, shall pay a fine to the treasurer of the district of thirty dollars, with costs of prosecution, and the judges shall appoint another person in his room.

Sec. 3. *And be it enacted,* That the said surveyors shall have a right to lay out and survey any new road within their respective districts, and alter any old roads when necessary; accurate surveys of which, if approved by the judges of the district courts, shall be recorded in the office of the district clerk: *Provided,* That no road or street which has already been or shall hereafter be laid out or surveyed by special act of this legislative board, shall be shut up or altered without its express authority therefor.

Sec. 4. *And be it enacted,* That there shall be done in each district in each year to the amount of ten days' work to every taxable poll, apportioned to each person according to his last preceding assessment, at the rate of one dollar per day.

Sec. 5. *And be it enacted,* That the district treasurers shall, in the month of March, annually furnish each district surveyor

with a rate bill made up agreeable to the provision of the fourth section of this act, taking his receipt for the amount of the days' work contained in it; *Provided, always,* That no one shall be made up at less than one whole day: *Provided, also,* That each surveyor be authorized to place on his rate bill, warn, and call upon every person subject to pay taxes who may come to reside in his district after he has received his rate bill, to do one day's work on the highway, who are hereby made liable to perform the same, unless they can make it to appear that they have done their highway work for the same year in some other district within this territory.

Sec. 6. *And be it enacted,* That each surveyor shall cause two-thirds of the work contained in his rate bill to be done in the month of June, and the other third in the month of September.

\* \* \* \* \*

Sec. 11. *And be it enacted,* That it shall be the duty of each surveyor, at the end of the year for which he was appointed, to return to the district treasurer his rate bill, together with a full and just statement of all his proceedings thereon, and if necessary, may be examined on oath relative thereto, which oath the said treasurer is hereby authorized and empowered to administer.

\* \* \* \* \*

Sec. 14. *And be it enacted,* That \* \* \* \* \* the same being adopted from the laws of two of the original States, to wit: The State of New York and the State of Vermont, as far as necessary and suitable to the circumstances of the Territory of Michigan.

Adopted and published at the city of Detroit, within the Territory of Michigan, this eighteenth day of January, one thousand eight hundred and nine.

—*Reprinted from Laws of the Territory of Michigan, Vol. IV., p. 43.*



AN ACT for the support of the poor.

*Be it enacted by the Governor and Judges of the Territory of Michigan,* That every person who shall purchase a freehold estate, of the value of one hundred dollars, and shall have *bona fide* paid therefor, and shall actually occupy and improve the same, for the term of one year, or shall actually and *bona fide* have rented and occupied a tenement, of the yearly value of twenty dollars and upwards, for the term of two whole years, and paid such rent, and every person who shall have been charged with and paid his share of the public taxes in any district of this territory, for the space of two years, and every person who shall have been bound an apprentice, by indenture, or by any deed, contract, or writing not indented, and, in consequence of such binding, shall have served a term not less than three years, next preceeding the time of such apprentice's arriving at the age of twenty-one years, if a male, or at the age of eighteen years, if a female, in such district, shall be deemed and adjudged to have attained a legal settlement in such district; and every bastard child shall be deemed and adjudged to be settled in district of the last legal settlement of his or her mother.

Sec. 2. *And be it enacted,* That if any person or persons shall transport or bring into any district, within this Territory, any poor person or persons, not having any legal settlement within the same, or any person who, from visible appearances, is a pauper, with intent to make such district chargeable with the maintenance, and support of such poor person or persons every person so offending shall forfeit and pay to the treasury of such district a sum not exceeding three hundred dollars, to be recovered with cost of prosecution, in the name of the overseers of the poor in such district, by action brought on this statute before any court of competent jurisdiction,

Sec. 3. *And be it enacted,* That the several districts within this Territory shall relieve, support, and maintain their own poor, and the overseers of every district shall relieve, support, and maintain all the poor, lame, blind, sick, and other inhabitants within such district who are not able to maintain them-

selves, and shall provide for them houses, nurses, physicians, and surgeons, in such cases as they, or a majority of them, shall judge necessary, and shall also take effectual measures to prevent the poor, resident within their respective districts, from strolling into any other district; and when it shall so happen that any person, by means of sickness or other accident, shall become chargeable to any other district than the one liable to support him or her, in such case the overseers of the district where such charge is incurred, shall, as soon as the circumstances of such sick person will reasonably permit, remove such person to the district where he or she is liable to be maintained, and exhibit a fair and full account of such charges, attested by said overseers; and in case the overseers of the district to which such pauper is tendered, and such account is exhibited, shall neglect or refuse to receive such pauper, and pay such account, the overseers tendering said pauper, and presenting such account, as aforesaid, shall continue to support such pauper, if necessary, and may bring their action in the Supreme Court, against the overseers neglecting or refusing, as aforesaid, and shall recover annually such sum as the said court shall deem just, against such overseers, or their successors in office, until they shall receive such pauper, and pay all past charges which have necessarily accrued: *Provided always,* That on the trial of any action, brought as aforesaid, the defendants shall be at liberty to show that they are not liable to support such pauper, which, if sufficiently proved to said court, they shall recover their costs.

Sec. 4. *And be it enacted,* That the judges of the district courts respectively shall, on the first Monday of March annually, appoint three discreet persons, in each district, to be styled "Overseers of the Poor," who shall take an oath, before some justice of the peace, for the faithful and impartial performance of the duties prescribed them by this act; who shall keep a book in which they shall make full and fair entries of all the monies by them laid out, and expended for on account of each poor person, or in any other way pertaining to their duties as overseers of the poor; and shall at the end of each

year for which they are appointed, and oftener if required, exhibit said accounts to the judges of the district, to be by them examined, audited and allowed; and if in any case, the said judges shall dock or disallow any item, or part of such accounts, the overseers, if they think proper, may appeal from such decision to the next Supreme Court, and if the Supreme Court shall not allow a greater sum than was allowed by the said judges, they shall tax no costs in favor of the appellants, and the said district judges shall, from time to time, draw orders on the district treasurer, in favor of said overseers, as expenditures may render necessary; which orders the said treasurer is hereby directed to pay; and the overseers shall be allowed for their services a reasonable compensation, to be drawn from the district treasury by orders from said judges; and any person appointed an overseer in manner as aforesaid, who shall refuse to take the oath and accept the office, shall be liable to pay a fine of twenty dollars to the district treasury, to be sued for by the treasurer of said district, before any court having competent jurisdiction, unless the person appointed, as aforesaid, can give a satisfactory reason to the said court why he should not serve in said office.

Sec. 5. *And be it enacted*, That at the end of each year the accounts of the overseers shall be fully stated and closed, on which, if it shall appear that there is a balance due from the said overseers to the treasury of the district, the treasurer is hereby authorized to sue for and recover the same; and if a balance shall be found due to said overseers, on a settlement as aforesaid, the treasurer is hereby directed to pay the same.

The same being adopted from the laws of one of the original States, to wit: Vermont, as far as necessary and suitable to the circumstances of Michigan.

Adopted and published at the city of Detroit, within the Territory of Michigan, this first day of February, one thousand eight hundred and nine.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 40.*

AN ACT directing the mode of taking inquisitions on the body of a person found dead by casualty or violence.

*Be it enacted by the Governor and the Judges of the Territory of Michigan*, That the marshal as soon as he shall be certified of the dead body of any person supposed to have come to his or her death by violence or casualty, found or lying within any district of the territory, shall forthwith summon a jury of good and lawful men of the district, at such time and place as he shall appoint. The marshal shall repair to the place where the dead body is at the time mentioned. \*

Sec. 2. *And be it enacted*, That the jury having viewed the body, heard the evidence, and made all the inquiry within their power, they shall draw up and deliver to the marshal their verdict upon the death under consideration. \* \* \* Upon an inquisition found of the death of any person by the felony or misfortune of another, the marshal shall speedily inform one or more of the justices of the district thereof, to the intent that the person killing, or being any way instrumental to the death, may be apprehended, examined, and secured in order for trial.

Sec. 3. *And be it enacted*, That if the marshal be remiss, and make not inquisition upon the view of the body slain or murdered, or shall not endeavor to do his office upon any person dead by misadventure, or shall not certify the inquisition by him taken, in the manner directed by this act, he shall for every such offense forfeit the sum of one hundred dollars, one-half thereof to the use of the informer, the other half to the use of the territory; the same being adopted from the laws of two of the original States, to-wit: the States of Massachusetts and Virginia, as far as necessary and suitable to the circumstances of the Territory of Michigan.

Adopted and published at the city of Detroit, within the Territory of Michigan, this ninth day of February, one thousand eight hundred and nine.

—*Reprinted from Laws of the Territory of Michigan, Vol. IV., p. 48.*



AN ACT defining the powers of Justices of the Peace in causes of a civil nature.

*Be it enacted by the Governor and Judges of the Territory of Michigan,* That every justice of the peace, within his district, be and he hereby is fully authorized and empowered to hear, try, and determine all pleas and actions of a civil nature (other than actions for slanderous words, false imprisonment, replevin, trespass upon the freehold, and where the title of land is concerned) where the debt, or other matter in demand, does not exceed the sum of thirty dollars, and also to determine, as aforesaid, on all specialties, notes of hand, and settled accounts not exceeding the sum of fifty dollars: *Provided,* That in all causes cognizable before a justice, any person who shall think him or herself aggrieved by the judgment given or rendered by such justice, shall have liberty to appeal therefrom to the district court, next to be holden within and for the same district;

\* \* \* \* \*

Sec. 17. *And be it enacted,* That every justice of the peace within this territory shall keep fair entries of his proceedings, and furnish copies thereof duly attested to persons having a right to the same, for such fees as shall be allowed by law: *Provided, nevertheless,* That this act shall take effect from and after the first day of April next and not before. The same being adopted from the laws of three of the original States, to wit: the States of Vermont, Massachusetts and Ohio, as far as necessary and suitable to the circumstances of the territory of Michigan.

Adopted and published at the city of Detroit, in the Territory of Michigan, this sixteenth day of February, one thousand eight hundred nine.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 53.*

AN ACT concerning jails and jailors.

Section 1. *Be it enacted by the Governor and Judges of the Territory of Michigan,* That there shall be kept, and maintained in good and sufficient repair, a common jail in every judicial district, within this Territory, and the charges and expenses thereof shall be defrayed by the district where such jail belongs, unless where it shall be otherwise provided for.

\* \* \* \* \*

The same being adopted from the laws of two of the original States, to wit: the States of Massachusetts and Vermont, as far as necessary and suitable to the circumstances of the Territory of Michigan.

Adopted and published at the city of Detroit, in the Territory of Michigan, this eighteenth day of February, one thousand eight hundred and nine.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 62.*

AN ACT concerning marshals.

*Be it enacted by the Governor and Judges of the Territory of Michigan,* That the Marshal of the Territory, appointed and commissioned by the Governor, shall give bond to the Treasurer of the Territory, with sureties to be approved by the judges of the Supreme Court, in the sum of four thousand dollars, which bond shall be in the form and to the effect following:

\* \* \* \* \*

Sec. 3. *And be it enacted,* That the deputies which the said Marshal shall under his hand and seal appoint, within the Territory, shall respectively take, before any judge of the territory or justice of the peace, similar oaths or affirmations, which shall be written and subscribed in the same manner and deposited with the clerk of the Supreme Court, who shall also record his deputation; and the said Marshal's jurisdiction shall

extend throughout the Territory, for the execution of all writs, precepts and processes issuing from the Supreme Court, and for the collection of territorial taxes; and in all other necessary cases not otherwise provided for by law.

Sec. 4. *And be it enacted*, That in case the office of Marshal shall become vacant by the death of the Marshal or other cause, the deputies made and appointed by him shall in all things execute the office until a successor shall be appointed, \*

\* \* \* \* \*

Sec. 6. *And be it enacted*, That a marshal shall be appointed and commissioned in each judicial district, within this Territory, by the Governor of the Territory, \* \* \* \* \* and the several marshals, appointed, commissioned, and qualified as aforesaid, shall be charged with the same powers and duties, within their respective districts, as is vested by law in the marshal of the Territory, except such as are expressly confided to the said marshal; and the marshal of each district shall have the custody, rule, and charge of the jail, or prison in said district, and of all prisoners in such jail or prison, except such as are committed by the marshal of the Territory.

Sec. 7. *And be it enacted*, That a vice-marshal, to be appointed by the Governor, with similar powers to the marshal, shall serve all writs and precepts, when the marshal or his deputies shall be a party to the same, and shall, if the court so order, return jurors *de talibus circumstantibus*, in all causes where the marshal shall be interested. \* \* \* \* \*

\* \* \* \* \*

The same being adopted from the laws of four of the original States, to wit: the States of Massachusetts, Virginia, New York, and Ohio, as far as necessary and suitable to the circumstances of Michigan.

Adopted and published at the city of Detroit, within the Territory of Michigan, this eighteenth day of February, one thousand eight hundred and nine.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 64.*

AN ACT concerning district courts.

*Be it enacted by the Governor and Judges of the Territory of Michigan*, That the Territory of Michigan shall be divided into judicial districts, and a court holden in each, in the manner and at the times and places hereinafter mentioned, that is to say: the district of Erie, as constituted by an act of the Governor of the Territory of Michigan, bearing date the third day of July, one thousand eight hundred and five, shall be one district, and a court shall be holden for the same at such place as the marshal of the district shall provide, on the third Monday in May, and the first Monday in November, in every year; the district of Huron and Detroit, as constituted by the act of the Governor of the Territory of Michigan, bearing date on the day and year first above written, shall compose one other district, and a court shall be holden for the same, at such place in the district as the marshal of the district shall provide, on the first Monday in May, and the third Monday in August, in every year; and the district of Michilimackinac, as constituted by the act of the Governor of the Territory of Michigan, bearing date on the same day and year last aforesaid, shall be another district, and a court shall be holden for the same, at such place as the marshal of the district shall provide, on the fourth Monday of June, in every year. Each court shall sit as long as business may require, and be a court of record.

Sec. 2. *And be it enacted*, That the respective district courts within this Territory shall consist of a chief judge and two associate judges, appointed and commissioned by the Governor of the Territory, to hold their offices during good behavior, and to be removed for misbehavior, on conviction in a court of law, unless a different provision shall be made by the Legislature for their removal, and may be justices within their respective districts for all purposes, except for the trial of causes made appealable to the court whereof they are judges, any two of whom to be a quorum. Any one of said judges, in the absence of the other, shall have power to open and adjourn the court, until a quorum shall be convened, and if



neither of the judges shall be present, the marshal of the district shall have power to adjourn the court from day to day, until one of the judges shall be present; and the said judges shall appoint a clerk, removable at their pleasure, \* \*

\* \* \* \* \*

Sec. 3. *And be it enacted*, That the courts within their respective districts shall have cognizance of all criminal matters of every name and nature (except such as are made cognizable only in the Supreme Court of the Territory or before a justice of the peace), and award such sentence as to law and justice appertains. \* \* \* \*

\* \* \* \* \*

Sec. 5. *And be it enacted*, That the district courts respectively shall have original jurisdiction of all causes and actions of a civil nature, except such as are made cognizable solely before the Supreme Court, or justices of the peace, and shall render judgment and award execution thereon;<sup>1</sup> \* \* \*

\* \* \* \* \*

The same being adopted from the laws of three of the original States, to wit, the States of Virginia, Massachusetts, and Vermont as far as necessary and suitable to the circumstances of the Territory of Michigan.

Adopted and published at the city of Detroit, in the Territory of Michigan, this twenty-first day of February, one thousand eight hundred and nine.<sup>2</sup>

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 68.*

<sup>1</sup>But in all criminal and civil cases appeal from the judgment of the District Court was allowed.

<sup>2</sup>Repealed by act of September 16th, 1810. —See said act as reprinted in this number.

AN ACT regulating enclosures.

*Be it enacted by the Governor and Judges of the Territory of Michigan*, That all fields and grounds kept for enclosure, shall be well enclosed with fence composed of sufficient posts and rails, posts and palings, palisades, or rails alone, laid out in the manner which is commonly called a worm fence, which posts shall be deep set, and strongly fastened in the earth, and all fences composed of posts and rails, posts and palings, or palisades, shall be at least five feet in height, and all fences composed of rails, in the manner which is commonly denominated a worm fence, shall be at least five feet six inches in height, the uppermost rail of each and every panel thereof, supported by strong stakes, strongly set, and fastened in the earth so as to compose what is commonly called staking and riding, otherwise the uppermost rail of every panel of such worm fence shall be braced with two strong rails, poles, or stakes, locking each corner or angle thereof, and in all cases wherein any fence is composed of any of the foregoing materials, the apertures between any of the rails, palings, or palisades, within two feet of the surface of the earth, shall not be more than four inches, and from the distance of two feet from the earth, until the height of three feet six inches from the surface thereof, the apertures between such rails, palings, or palisades shall not be more than six inches, and that in all worm fences, the worm of the same shall be at least one third of the length of the rails which compose the respective panels thereof.

Sec. 2. *And be it enacted*, That if any horse, gelding, mare, colt, mule, or ass, sheep, lamb, goat, kine, or cattle, shall break into any person's enclosure, the fence being of the aforesaid height and strength, or if an hog, shoat, or pig shall break into any person's enclosure, the fence being of the aforesaid height and sufficiency, and by the view of two persons for that purpose appointed by the district court, found and approved to be such, then the owner of such creature, or creatures, shall be liable to make good all damages to the

owner of the enclosure, for the first offense, single damages only, ever after, double the damages sustained.

Sec. 3. *And be it enacted*, That for the better ascertaining and regulating of partition fences it is hereby directed that when any neighbors shall improve lands adjacent to each other, or where any person shall enclose any land adjoining to another's land already fenced, so that any part of the first person's fence becomes the partition fence between them, in both these cases the charge of such division, so far as enclosed on both sides, shall be equally borne and maintained by both parties; to which, and other ends in this law mentioned, each district court, yearly, and every year in the term ensuing, shall nominate, and hereby is required to nominate and appoint six honest and able men, who must also be freeholders, for each district, who being duly sworn to a faithful discharge of the duties of their appointment, shall, or any three of them, proceed, on the request of any person or persons feeling him, her or themselves aggrieved, to view all such fence and fences about which any difficulty may happen or arise, and the aforesaid persons, or any two of them, in each district respectively, shall be the sole judges of the charge to be borne by the delinquent, or by both, or either party, and of the sufficiency of all fences, whether partition fences or others, and when they shall judge any fence to be insufficient, they shall give notice thereof to the owners or possessors, and if any one of the owners or possessors, upon request of the other, and due notice given by the said viewers, shall refuse or neglect to make or repair the said fence or fences, or to pay the moiety of the charges of any fence before made, being a division or common fence, within twenty days after notice given, thereupon proof thereof before two justices of the peace of the respective district, it shall be lawful for the said justices to order the person aggrieved and suffering thereby to make or repair the said fence or fences, who shall be reimbursed his costs and charges from the person so refusing or neglecting to make or repair the partition fence or fences aforesaid, or to

order the delinquent to pay the moiety of the charge of any fence before made, being a division or common fence, as the case may be, and if the delinquent shall neglect or refuse to pay to the party injured the said moiety of the charge of any fence or fences under the order aforesaid, then the same shall be levied upon the delinquent's goods and chattels under warrant from the said justices of the peace, by distress and sale thereof, the overplus, if any, to be returned to the said delinquents: *Provided*, That nothing herein contained shall be intended to prevent or debar any person or persons from enclosing his or their grounds in any manner they please, with sufficient rails or fences of timber other than those heretofore mentioned or by dykes, hedges, or ditches; all such walls and fences to be in height at least five feet from the ground, and all dykes to be at least three feet in height from the bottom of the ditch, and planted or set with thorn or other quickset, so that such enclosure shall fully answer and serve the several purposes meant to be answered and secured by this law: *Provided, also*, That such walls or fences of timber, other than those heretofore mentioned, and dykes, hedges, and ditches, shall be subject to all provisions, inspections, and restrictions, respectively, to which, by this law, any other enclosure or fence is made liable, according to the true intent and meaning thereof; the same being adopted from the laws of one of the original States, to wit: the State of Vermont, as far as necessary and suitable to the circumstances of the Territory of Michigan.

Adopted and published at the city of Detroit, in the Territory of Michigan, this twenty-fourth day of February, one thousand eight hundred and nine.

—*Reprinted from Laws of the Territory of Michigan, Vol. IV., p. 80.*



AN ACT concerning schools.

*Be it enacted by the Governor and Judges of the Territory of Michigan,* That it shall be the duty of the overseers of the poor of each judicial district within this Territory, some time in the month of May next, to divide their respective districts into such sections as, in their judgment, will be most convenient for erecting school-houses, and maintaining schools, which sections shall be styled school districts, which may be altered from time to time, as will best accomodate the inhabitants.

Sec. 2. *And be it enacted,* That the said overseers shall be trustees for the said school districts, and shall, on the first Monday of May, in each and every year, make a return to the judges of their respective district courts, of the whole number of children in each school district, as aforesaid, who are between four and eighteen years of age, and the said judges shall annually make an appropriation for a sum not exceeding four dollars, nor less than two dollars, for each child within the age aforesaid, agreeable to the return aforesaid, within their respective districts, which sum shall be collected and paid into the district treasury in the same manner as is directed by law for collecting and paying in other district taxes, and shall remain in the treasury until drawn out as is hereinafter provided.

Sec. 3. *And be it enacted,* That at the end of each year, counting from the first day of May, it shall be the duty of the said treasurers to make a report in writing to the judges of the district court respectively, of the state of the schools kept in the several school districts as aforesaid, wherein shall be stated the number of weeks the school has been kept, and number of scholars, and the wages paid the instructor; and after the said judges have obtained a satisfactory account from all the school districts, within the judicial district, they shall proceed to make an equal distribution of the money collected and paid into the treasury as aforesaid, to each school district, in proportion to the money which the district has actually expended, in erecting a school-house or maintaining a school the preced-

ing year, and draw orders therefor accordingly, in the name of such trustee or trustees as are authorized to represent the district, and the treasurer is directed to pay the same, taking the trustee's receipt therefor, upon such order, which order and receipt shall be good accounting for the said treasurer, in his settlement of accounts with the district, and in case one or more of the said school districts shall neglect to erect a school house, or to keep a school during one whole year, such district shall not be entitled to receive any part of the money collected for the purpose aforesaid, but it shall be paid to such district or districts as shall keep a school or schools.

Sec. 4. *And be it enacted,* That the said trustees shall be allowed a reasonable compensation for their services prescribed by this act, to be allowed by the said judges, and drawn from the district treasury; the same being adopted from one of the original States, to wit: The State of Vermont, as far as necessary and suitable to the circumstances of the Territory of Michigan.

Adopted and published at the city of Detroit, within the Territory of Michigan, this twenty-sixth day of February, one thousand eight hundred and nine.

—*Reprinted from Laws of the Territory of Michigan, Vol. IV., p. 90.*

AN ACT to abolish the courts of districts, and to define and regulate the powers, duties, and jurisdiction of justices in matters civil and criminal.

*Be it enacted by the Governor and the Judges of the Territory of Michigan,* That all acts and parts of acts, relating to the courts of districts, and to the judges thereof, be repealed.

Sec. 2. *And be it enacted,* That every justice, within his district, shall have power to hear, and where the matter exceeds not twenty dollars, to try; and where the matter exceeds twenty dollars, by the consent of the parties, to try, and after

trial by such consent, or by jury, to render judgment upon all pleas and matters of a criminal or penal nature, where the fine or penalty exceeds not twenty dollars, or the imprisonment twenty days, and all pleas and matters of a civil nature where the debt or sum, or balance due, or damages, or thing or matter demanded, or in controversy exceed not the amount or value of one hundred dollars. He shall have power to apprehend, commit, and recognize all offenders whose offenses surpass his jurisdiction; he shall make fair and accurate entries of proceedings, in all cases, and his proceedings, signed by him, shall be records; the same being adopted from the laws of four of the original States, to wit: The States of New York, Ohio, Pennsylvania, and Vermont, as far as necessary and suitable to the circumstances of the Territory of Michigan.

Sec. 3. *And be it enacted*, That where the matter exceeds twenty dollars, either party shall be entitled to a trial by jury; the same being adopted from the laws of one of the original States, to wit: the State of Vermont, as far as necessary and suitable to the circumstances of the Territory of Michigan.

Sec. 4. *And be it enacted*, That the parties consenting, the case shall be submitted to any disinterested person, or persons, and on the return of their award, signed by them, judgment shall be rendered thereon; the same being adopted from the laws of one of the original States, to wit: The State of Ohio, as far as necessary and suitable to the circumstances of the Territory of Michigan.

Sec. 5. *And be it enacted*, That where any party shall conceive themselves aggrieved by the judgment or sentence of a justice, in any plea, action, matter, or conduct whatsoever, such party may appeal to the supreme court of the Territory of Michigan. \* \* \* \* \*

\* \* \* \* \*

Sec. 7. *And be it enacted*, That \* \* \* \* \*

No justice shall determine a matter where he is of kin to either of the parties, or interested; nor be of counsel in a matter in which he has acted as justice. Justices may celebrate the rites

of matrimony; justices may apprehend for escapes; justices shall take acknowledgments and proof of deeds, and other writings; justices shall hear and determine complaints between masters and apprentices, or servants, and disputes relating to indentures, cotntracts, and wages, and controversies between inhabitants and Indians; justices shall hear and determine forcible entries and detainers; justices shall bind out unprotected minors; the same being adopted from the laws of seven of the original States, to-wit: The States of Connecticut, Massachusetts, Maryland, New York, Ohio, Pennsylvania and Vermont, as far as necessary and suitable to the circumstances of the Territory of Michigan.

Sec. 8. *And be it enacted*, That the ministerial officers of the justices shall be the marshal and his deputies, and when no person is found to serve process, the justice shall appoint a person for that purpose, who shall be entitled to the same fees, and liable to the same penalties; the same being adopted from the laws of one of the original States, to-wit: The State of Ohio, as far as necessary and suitable to the circumstances of the Territory of Michigan.

\* \* \* \* \*

Made, adopted, and published at the city of Detroit, within the Territory of Michigan, this sixteenth day of September, one thousand eight hundred and ten.

—*Reprinted from Laws of the Territory of Michigan, Vol. IV., p. 98.*

AN ACT establishing County Courts, and for other purposes.

[Passed October 24th, 1815.]

Section 1. A County Court shall be established, to be held by one Chief and two Associate Justices, either of whom shall form a quorum; and this Court shall have original and exclusive jurisdiction in all civil cases both in law and equity, where the matter in dispute exceeds the jurisdiction of a Justice of



the Peace, and does not exceed the value of one thousand dollars. But the county Court shall have no jurisdiction in actions of ejectment.

Section 2. The County court shall have exclusive cognizance of all offences, the punishment whereof is not capital, and the same power to issue remedial and other process, writs of error and mandamus excepted, as the Supreme Court have.

Section 3. If any person conceive himself injured by a judgment of any Justice of the Peace, he may appeal to the county court, within twenty days after the rendition of such judgment, by entering into recognizance, with one sufficient surety, in a sum double the amount of such judgment and costs, conditioned to prosecute the appeal to effect, and to abide the order the court may make therein. And the Justice of the Peace shall send a transcript to the Clerk by the first day of the term, and all proceedings before such Justice shall cease, from the time the appeal is entered, and the appellant shall enter the appeal with the Clerk, and the Plaintiff before the Justice of the Peace shall be plaintiff before the county court, and the cause shall proceed as though the suit had been originally instituted in said court, and no other reference shall be had to the proceedings before the Justice of the Peace, than to include the costs taxed there; *Provided*, if the appellant fail to enter the appeal, the appellee may enter the same, and judgment shall be rendered against the appellant for interest and costs. But if any person wish to arrest the judgment of a Justice of a Peace, it shall be done within twenty days after the rendition of such judgment, and by writ of certiorari; and the person applying for such writ shall, before it is issued, put in bail before the Clerk, that he will prosecute the same to effect, and abide the judgment of the Court thereupon had. And no cause shall be removed from before a Justice of the Peace to the Supreme Court, nor shall any cause, removed from before a Justice of the Peace to the county court, be removed thence.

\* \* \* \* \*

Section 7. The County Court shall be held upon the first Monday in January, and the third Monday of June.

\* \* \* \* \*

Section 10. The jurisdiction of Justices of the Peace shall not exceed twenty dollars; *Provided*, if a person voluntarily go before a Justice of the Peace & confess judgment, the jurisdiction of the said Justice shall then extend to one hundred dollars, and from such judgment there shall be no appeal.

\* \* \* \* \*

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 184. (From the "Cass Code")*

#### AN ACT concerning Sheriffs, Coroners and Constables.

[Passed November 3d, 1815.]

Sections 1. 2. There shall be a Sheriff and a Coroner appointed in each county in this Territory, as the same may be established, who shall possess the same powers, perform the same duties, give the same bond, be liable to the same responsibility, and receive the same fees and emoluments within the county for which they are appointed, as are now possessed, performed, given, incurred, and received by the Marshal and vice Marshal of the Territory respectively.

Section 3. A competent number of Constables shall be appointed in each of the Judicial Districts of the Territory, who shall within their respective Districts, possess the same powers, perform the same duties, give the same bond, be liable to the same responsibility, and receive the same fees and emoluments, which are now possessed, performed, given, incurred and received by the Marshals of the Judicial Districts.

Section 4. The Offices of Marshal of the Territory, Vice Marshal and Marshals of the Judicial Districts are *abolished*, *Provided*, That this law shall not affect any business com-

menced by either of those Officers, nor any rights, which may have been acquired by them or by other persons.

Section 5. The provisions of the several laws now in force, respecting the Marshal of the Territory, shall apply to the Sheriff within and for the County for which he may be appointed; and the provisions of the several laws now in force respecting the Vice Marshal shall apply to the Coroner within and for the County for which he may be appointed; and the provisions of the several laws now in force respecting the Marshals of the Judicial Districts shall apply to the Constables within and for the Districts, for which they may be respectively appointed.

Section 6. The Sheriffs and Coroners shall be the Ministerial Officers of all Courts within their respective counties, except those of Justices of the Peace.

Section 7. All laws coming within the purview of this are repealed.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 220. (From the "Cass Code")*

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AN ACT in addition to an Act entitled "An Act establishing County Courts, and for other purposes." [Passed November 8th, 1815.]

The Justices of the County Courts shall be conservators of the peace in their respective counties, and each of them shall have power in vacation to allow writs of habeas corpus.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 186. (From the "Cass Code")*

## NUMBER XIII.

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THE documentary material presented in this number is illustrative of the development of Local Government in the Territory of Michigan from 1816 to 1821 inclusive.

B. F. S.



THE TERRITORY OF MICHIGAN.

AN ACT FOR OPENING AND REGULATING ROADS AND HIGHWAYS.

SECTION 1. *Be it enacted by the Governor and Judges of the Territory of Michigan,* That it shall be the duty of the supervisors of highways in the several townships of this Territory (except in such incorporated cities, boroughs and other towns in respect to which other adequate provision may by law be made,) to regulate the roads laid out, to cause to be kept in repair the highways and bridges erected, or which may be erected over streams intersecting highways, to warn the people assessed to work highways as often as they shall deem necessary to come and work thereon, with such implements, carriages, cattle and sleds, and furnish such timber as the said supervisor shall direct.

SEC. 2. *And be it further enacted,* That the Governor of this Territory shall from time to time, divide this Territory into as many townships as he may judge convenient, and from time to time appoint for each township a supervisor, to hold his said office during the pleasure of the Governor.

SEC. 3. *And be it farther enacted,* That if any person appointed by the Governor shall refuse to accept the office of supervisor, or shall resign the same within one year from the date of his appointment, he shall forfeit and pay the sum of one hundred dollars, to be recovered by indictment in the county court of the proper county.

\* \* \* \* \*

SEC. 22. *And be it farther enacted,* That the supervisors of the several townships shall, on the first Monday of December annually, render an account in writing to the justices of the county court of the proper county, who shall meet together on that day for the purpose of receiving such returns, of all persons assessed to work on the highway in the township of the supervisor, rendering such account of all persons who have actually worked on the roads or highways, with the

number of days they have so worked, of all those who have been fined, of all those who have commuted, of the manner in which the monies arising from fines and commutations have been expended.

\* \* \* \* \*

SEC. 26. *And be it farther enacted,* That the second and third sections of the act entitled "An act concerning highways and roads," passed September 30,\*——, be repealed from and after the first day of August next, and that the fifth section of the said act be repealed from and after the thirtieth day of November next.

The same being adopted from the laws of three of the original States, to wit: the States of New York, New Jersey, and Ohio, as far as necessary and suitable to the circumstances of the Territory of Michigan.

Made, adopted and published at the city of Detroit, in the said Territory, this twenty-third day of June, in the year of our Lord one thousand eight hundred and seventeen.

LEW. CASS,

*Governor of the Michigan Terr'y.*

A. B. WOODWARD.

JOHN GRIFFIN,

*One of the Judges of the Territory of Michigan.*

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 93.*

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF COURTS OF GENERAL QUARTER SESSIONS OF THE PEACE, AND FOR THE RAISING OF COUNTY RATES AND LEVIES.

SECTION 1. *Be it enacted by the Governor and Judges of the Territory of Michigan,* That the justices of the county courts and the justices of the peace, in each of the counties of

\* This year is gone,—the manuscript being badly worn.

this Territory, shall hold a court of General Quarter Sessions of the peace, for their respective counties, on the first Mondays of March, June, September, and December, in each year, any three of whom shall form a quorum.

SEC. 2. *And be it farther enacted,* That a clerk of the said court of Quarter Sessions shall be appointed by the Governor, who shall take an oath of office and give security to be approved by the said court. And the said clerk shall keep the books and accounts of the said court, and record or file whatsoever proceedings they may direct, and attest all orders and warrants issued by them, and do and perform every other act and thing whatsoever, which may appertain to his office, and shall receive for his services such sums as the said court shall direct.

SEC. 3. *And be it farther enacted,* That all accounts, debts, and demands justly chargeable upon the respective counties, shall be allowed by the said court of General Quarter Sessions of the peace, who shall issue orders upon the county treasurer in favor of all creditors for the sum or sums so allowed, which orders shall be received in payment for county taxes, and shall be numbered in their order, and entered in a book kept for that purpose.

SEC. 4. *And be it farther enacted,* That the said court shall, from time to time, adjust and settle the demands and sums of money which the necessary publick expenditures require should be paid to defray the charges for the building and repairing court houses, gaols, and bridges, for the opening of roads, for the support of persons confined in gaol on criminal charges, or upon sentence, for the expense of public prosecutions, for the support of the poor, and to defray such other charges as are required by law to be paid at the county treasury. And the said court shall annually, at their session in March, proceed to make an estimate of the probable expense of their counties respectively for the ensuing year, and shall determine what land, chattels, effects and estates, including wild land, shall be rateable for



assessment and taxation during the said year, and shall issue their precept to the assessor, requiring him to assess such rateable estate accordingly. And they shall also issue their precept to three respectable freeholders, requiring them to assemble on the third Monday in May to receive the return of the said assessor, and estimate the value of the estate, real and personal, of each individual as returned to them by the assessor: *Provided*, that no tax in any county shall in one year exceed the rate of one-half of one cent in every dollar of the adjusted valuation of the property.

SEC. 5. *And be it farther enacted*, That the Governor shall appoint an assessor for each county, who shall take an oath of office, and shall give bond with security to be approved by the said court. And the said assessor shall, by himself or deputy, between the first day of March and the first day of May annually, take a true account and make out an exact list of the persons, lands, chattels, effects, wild lands and estates made rateable in that year by the said court, by which all assessments during the said year shall be regulated and made, and every inhabitant of the county shall, on the application of the assessor or his deputy, forthwith render a full and true account of his name and rateable land, chattels, effects and estates as aforesaid, which the assessor or his deputy shall set down in writing in order that every individual may be duly and justly assessed.

\* \* \* \* \*

SEC. 18. *And be it farther enacted*, That it shall be the duty of the said court of General Quarter Sessions of the peace to divide their respective counties into townships, and to submit the same to the Governor for his approbation, in order that the said division may be made in conformity with the provisions of the ordinance for the government of the Northwestern Territory. And the said court shall also from time to time recommend to the Governor such persons for constables in the respective townships as they may deem

proper. And it shall be the duty of the Governor to appoint a competent number of constables.

The same being adopted from the laws of three of the original States, to-wit: the States of New Jersey, Pennsylvania, and Ohio, as far as necessary and suitable to the circumstances of the Territory of Michigan.

Made, adopted, and published at the city of Detroit, in the said Territory, this twenty-fifth day of November, in the year of our Lord one thousand eight hundred and seventeen.

LEW. CASS,

*Governor of the Territory of Michigan.*

JOHN GRIFFIN,

*One of the Judges of the Territory of Michigan.*

J. WITHERELL.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 109.*

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AN ACT TO AMEND THE ACT ENTITLED "AN ACT FOR OPENING AND REGULATING ROADS AND HIGHWAYS."

*Be it enacted by the Governor and Judges of the Territory of Michigan*, That whenever the nature of the settlement through which any road may hereafter pass, or any other, may render it inexpedient, in the opinion of the commissioners of any county, that any part of such road should not be opened the full width required by the above recited act, the said commissioners may temporarily reduce the width of such road as they think proper: *Provided*, That no road shall be opened less than thirty feet wide.

The same being adopted from the laws of one of the original States, to wit: the State of Ohio, as far as necessary and suitable to the circumstances of the Territory of Michigan.

Made, adopted, and published at the city of Detroit, this tenth day of June, in the year of our Lord one thousand eight hundred and eighteen.

LEW. CASS,

*Governor of the Territory of Michigan.*

J. WITHERELL.

JOHN GRIFFIN,

*One of the Judges of the Territory of Michigan.*

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 132.*

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT ESTABLISHING COUNTY COURTS AND FOR OTHER PURPOSES."

SECTION 1. *Be it enacted by the Governor and Judges of the Territory of Michigan,* That the county courts shall have jurisdiction in all cases properly cognizable by a court of chancery, and that the Supreme Court shall have original and concurrent jurisdiction of all civil cases both of law and equity, and cognizance concurrent with the county courts of all offenses, crimes, and misdemeanors; and appellate jurisdiction from the county court in all cases in which that court has original jurisdiction. \* \* \* \*

SEC. 2. *And be it enacted,* That it shall be competent for the Governor of this Territory, for the time being, to appoint for each of the courts having chancery jurisdiction within this Territory, a master commissioner in chancery, whose duty it shall be, under the order and direction of the court, to take down testimony in writing, either in or out of court, and do all such other matters and things as are usually done and performed by masters commissioners in chancery, according to the usages and customs of chancery courts. \* \* \* \*

SEC. 4. *And be it enacted,* That the several county courts of this Territory shall have authority to issue process to be served in any part of this Territory, to apprehend and bring

before them any person, against whom any complaint is made, for any criminal offense, for which he ought to be brought before such court for trial or examination, and may, in like manner grant subpoenas or *capias* for witnesses in such cases; and that the judges of the Supreme Court shall respectively have authority, and authority is hereby granted to them respectively, to issue process, to be served in any part of this Territory. \* \* \* \*

SEC. 6. *And be it enacted,* That in civil cases an appeal shall be allowed of course to the Supreme Court, from any judgment or decree rendered in the county court, in which that court had original jurisdiction: \* \* \*

SEC. 13. *And be it enacted,* That all acts and parts of acts within the purview and enactments of this act, be and the same are hereby repealed.

The same being adopted from the laws of four of the original States, to wit: the States of New York, Connecticut, New Jersey, and Ohio, as far as necessary and suitable to the circumstances of the Territory of Michigan.

Adopted, made, and published at Detroit, the thirteenth day of June, in the year of our Lord one thousand eight hundred and eighteen.

LEW. CASS,

*Governor of the Territory of Michigan.*

JOHN GRIFFIN,

*One of the Judges of the Territory of Michigan.*

A. B. WOODWARD,

*One of the Judges of the Territory.*

—*Reprinted from the Laws of the Territory of Michigan, Vol. II., p. 132.*

AN ACT FOR ESTABLISHING COURTS OF PROBATE.

SECTION 1. *Be it enacted by the Governor and Judges of the Territory of Michigan,* That a court of probate shall be



held in the several counties of this territory, and there shall be, by the governor of the territory for the time being, some able and learned person in each county within this territory, appointed Judge for the taking the probate of wills and granting administration on the estates of persons deceased, being inhabitants of, or residents in the same county at the time of their decease; for appointing guardians to minors, idiots and distracted persons; for examining and allowing the accounts of executors, administrators or guardians, and for such other matters and things as the courts of probate within the several counties shall, by the laws of this territory, have cognizance and jurisdiction of; who shall have full power and authority to make out all such process or processes as may be needful for the discharge of the trust reposed in him; and all sheriffs, deputy sheriffs and constables are required to serve and execute all legal warrants or summons to them directed by any judge of probate. And contempt of authority in any case or hearing before any judge of probate, shall and may be punished in the like manner as such contempt of authority in any county court, may or can, by law be punished.

SECTION 2. *And be it further enacted,* That there shall be appointed by the governor of this territory, a suitable person in each county within this territory, register of wills, administrations, accounts, decrees, orders, determinations, and other writings, which shall be made, granted or decreed upon by the judges of probate of wills, in their respective counties, which register shall be sworn to the faithful performance of the duties of his office, and shall have the custody, and keeping of all files, papers and books, to the probate office belonging; and in case of the death, sickness, or necessary absence of the register, it shall and may be lawful for the judge of probate to nominate and appoint some meet person to officiate as register, to be sworn as aforesaid, until the standing register shall be able to attend his duty, or until a new one shall be appointed by the governor.

SECTION 3. *And be it further enacted,* That the supreme

court of the territory of Michigan, shall be the supreme court of probate within this territory who shall have the appellate jurisdiction of all matters determinable by the judges of probate in their respective counties; and all appeals from any order or decree of a judge of probate which shall be made after the passing of this act, shall be to the said court accordingly; and that the said supreme court shall also have cognizance in the first instance of all matters wherein the judge of probate of any county is a party or interested.

\* \* \* \* \*

This act to take effect from and after the first day of October, one thousand eight hundred and eighteen. The same being adopted from the laws of one of the original states, to-wit: the state of Massachusetts, as far as necessary and suitable to the circumstances of the territory of Michigan. Adopted, made and published at the city of Detroit, the twenty-seventh day of July, one thousand eight hundred and eighteen.

LEW. CASS,

*Governor of the Territory of Michigan.*

A. B. WOODWARD,

*Presiding Judge of the Territory of Michigan.*

JOHN GRIFFIN,

*One of the Judges of the Territory of Michigan.*

J. WITHERELL.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 341.*

#### AN ACT TO REGULATE TAVERNS.

SECTION 1. *Be it enacted by the Governor and Judges of the territory of Michigan,* That no person, unless licensed or permitted to keep a tavern, agreeably to the provisions of



this act, shall keep a tavern or sell, barter or deliver, for money or other article of value, any wine, rum, brandy, whiskey or other spirits or strong drink, by less quantity than one quart, nor any cider, beer or ale, by less quantity than one gallon; and if any person shall offend against the provisions of this section, such person shall, on conviction before the county court of the county where the offense shall be committed, be fined in a sum not exceeding \$200 for every such offense.

SECTION 2. *And be it further enacted*, That licenses to keep a tavern may be granted by the county court of the county where the applicant may render, on application of persons desiring to keep the same, which licenses shall continue in force one year and no longer; *Provided always*, That no license shall be granted to keep a tavern, unless it shall appear to the said court that a tavern at the place where the license is applied for, is necessary for the accommodation of travellers and that the person applying for such license is of good character; all of which shall be inserted in every such license: *And provided further*, That no such license shall be granted until the said court have satisfactory evidence, that the person who applies for such license, is of good moral character and of sufficient abilities to keep a tavern and that he has accommodations to entertain travellers, and that a tavern is necessary at the place where the person resides or proposes to keep such tavern, for the actual accommodation of travellers as aforesaid; all of which, said court, or a majority of them, are hereby directed to put in writing by way of resolve, and severally subscribe the same.

SECTION 3. *And be it further enacted*, That every tavern-keeper at all times be furnished with suitable provisions and accommodations for travellers, and shall keep in his house at least two spare beds for guests, with good and sufficient sheeting and covering for such beds respectively, and provide and keep good and sufficient stabling and provender, of hay in the winter, and hay or pasturage in the summer, and grain

for four horses or other cattle more than his own stock, for the accommodation of travellers, upon pain of forfeiting for every neglect or default herein, the sum of five dollars, to be recovered before any justice of the peace of the proper county, by any person who will sue for same; *Provided always*, That the county court granting such license, may, if they think the circumstances of that part of the territory where such tavern is proposed to be kept, render it proper, release the applicant from those provisions of this section which relate to hay, stabling, pasturage, provender and grain.

\* \* \* \* \*

SECTION 5. *And be it further enacted*, That if any tavern keeper shall trust any person other than travellers above the sum of one dollar and twenty-five cents, for any sort of strong or spirituous liquors, or other tavern expenses, he shall loose every such debt, and be incapable of suing for the same or any part thereof; and if any such tavern keeper shall sue therefor, the person may plead this act in bar, or give the same in evidence under the general issue; and if the plaintiff in the suit shall become nonsuit, or a judgment shall be given for the defendants every such plaintiff shall pay double costs.

\* \* \* \* \*

SECTION 11. *And be it further enacted*, That every tavern keeper shall within thirty days after obtaining his license, put up a proper sign on or adjacent to the front of his house with his name thereon, and keep such sign up during the time he shall keep a tavern, under the penalty of one dollar for every month's neglect thereof, to be recovered by action of debt or information, before some justice of the peace of the proper county, by any person who will prosecute the same.

\* \* \* \* \*

The same being adopted from the laws of three of the original states; to wit, the States of Massachusetts, New-York, and Ohio, as far as necessary and suitable to the circumstances of the territory of Michigan.

Made, adopted and published at the city of Detroit, in the



said territory, this 10th day of September, in the year of our Lord one thousand eight hundred and nineteen.

LEW. CASS,

*Governor of the Territory of Michigan.*

A. B. WOODWARD,

JOHN GRIFFIN,

*One of the Judges of the Territory of Michigan.*

A. G. WHITNEY,

*Secretary of the Legislative Board.*

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 407.*

#### AN ACT TO REGULATE FERRIES.

SECTION 1. *Be it enacted by the Governor and Judges of the territory of Michigan,* That no person shall keep or use any ferry for transporting across any stream or lake within or bounding this territory, for profit or hire, unless licensed in the manner directed by this act, under the penalty of five dollars for each offense, recoverable by action of debt, with costs, by and in the name of any person who shall sue for the same, before any justice of the peace of the county where such offense shall be committed. \* \* \*

SECTION 2. *And be it further enacted,* That the county court in each of the counties of this territory, shall grant licenses for keeping ferries in their respective counties, to as many suitable persons as they may think proper; which shall continue in force for one year and no longer: and every person applying for such license, shall, before the same be granted, enter into a recognizance to the United States, in open court, in the sum of one hundred dollars, faithfully to keep and attend such ferry, with a sufficient and safe boat, or with so many sufficient and safe boats, and so many men to work the same, as may be necessary, during the several hours in each day and night, and at such several rates, as

the county courts in the several counties shall from time to time order, direct and determine, and shall at all times, when called upon, if the river or creek is passable, convey the mail or other public express across said ferry. \* \* \*

SECTION 3. *And be it further enacted,* That the county courts of the respective counties shall from time to time order, direct and determine the several hours in each day and night within which due attendance shall be given by each ferry keeper, and also the several rates of ferriage which the ferry keeper may demand and receive for the transportation of any persons, goods, chattels or effects, a list of which rates, each ferry keeper shall have posted upon the door of his ferry house.

\* \* \*

SECTION 6. *And be it further enacted,* That this act shall take effect and be in force from and after the thirty-first day of December next.

The same being adopted from the laws of two of the original states; to wit, the States of New-York and Ohio, as far as necessary and suitable to the circumstances of the territory of Michigan.

Made, adopted and published at the city of Detroit, in the said territory, this 10th day of September, in the year of our Lord one thousand eight hundred and nineteen,

LEW. CASS,

*Governor of the Territory of Michigan.*

A. B. WOODWARD.

JOHN GRIFFIN,

*One of the Judges of the Territory of Michigan.*

—*Reprinted from the Laws of the Territory of Michigan, Vol. I., p. 419.*

#### AN ACT FOR PROVIDING AND REGULATING PRISONS.

SECTION 1. *Be it enacted by the Governor and Judges of the territory of Michigan,* That the commissioners of the

respective counties in this territory, shall from time to time as may be necessary, erect and keep in repair a good and sufficient gaol; and shall direct and order the building and repairing of such gaols at their discretion.

\* \* \* \* \*

SECTION 11. *And be it further enacted*, That it shall be the duty of the county commissioners in the respective counties of this territory, whenever in their opinion the finances of such county will render the same expedient, to cause to be erected in the county gaols, suitable apartments for the purposes of solitary imprisonment; and to lay out yards adjoining thereto, of sufficient dimensions for the employment of all such convicts, and enclosed with a fence, sufficiently high and strong to prevent all access to or intercourse with such convicts, by any person from without the gaol.

\* \* \* \* \*

SECTION 13. *And be it further enacted*, That all acts and parts of acts coming within the purview of this act, be and the same are hereby repealed.

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

The same being adopted from the laws of two of the original states, to wit, the States of Massachusetts and New-York, as far as necessary and suitable to the circumstances of the territory of Michigan.

Made, adopted and published at Detroit, in the said territory, this 10th day of September, in the year of our Lord, one thousand eight hundred and nineteen.

LEW. CASS,

*Governor of the Territory of Michigan.*

A. B. WOODWARD,

JOHN GRIFFIN,

*One of the Judges of the Territory of Michigan.*

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 469.*

# AN ACT TO REGULATE HIGHWAYS.

SECTION 1. *Be it enacted by the Governor and Judges of the territory of Michigan*, That the county commissioners shall have authority, in their respective counties, to establish, open, keep in repair, alter and vacate all roads and highways, and shall make and enforce all orders necessary therefor: and the said commissioners shall, as often as the office of supervisor in any township shall become vacant, recommend to the governor some suitable person for supervisor, and it shall be the duty of the governor to appoint a supervisor in each of the townships of this territory, who shall hold his office during the pleasure of the governor; and such supervisor shall be sworn faithfully to execute the duties of his office.

SECTION 2. *And be it further enacted*, That if any person, appointed by the governor, shall refuse or neglect to accept the office of supervisor, or shall resign the same, within one year from the date of his appointment, he shall forfeit and pay a sum not exceeding one hundred dollars, to be recovered by indictment in the county court of the proper county.

SECTION 3. *And be it further enacted*, That it shall be the duty of the supervisor of highways in the several townships, except in such incorporated cities, boroughs and other towns, (in respect to which other adequate provision has been or may by law be made,) to regulate the roads laid out, or which may be laid out, to erect bridges over such streams intersecting the highways, as the labor within their control is competent to erect, to open new roads, to keep in repair the highways and bridges, and to warn the people, assessed to work on the highways, to come and work thereon, with such implements, carriages, cattle and sleds, as the said supervisor shall direct. And where any stream intersects a highway, over which the commissioners of the proper county shall be of opinion, that the labor at the disposal of the supervisor is not competent to erect a bridge, it shall be the duty of the said commissioners to make a proper contract for the erection



of such bridge, if the funds in the county treasury are sufficient therefor, and to defray the expense thereof out of the said treasury. And whenever in the opinion of the said commissioners, from a deficiency of population or other causes, the labor, assessed within any township, is not sufficient to open the roads, and to keep in repair the bridges and roads, they shall cause such sums to be advanced from the county treasury to the proper supervisor, as they may deem necessary, to be employed by the said supervisor, as the said commissioners may direct, and to be accounted for in his annual settlement.

\* \* \* \* \*

SECTION 22. *And be it further enacted,* That this act shall take effect and be in force from and after the thirty-first day of December present.

The same being adopted from the laws of three of the original states; to wit, the states of New-York, Pennsylvania and Ohio, as far as necessary and suitable to the circumstances of the Territory of Michigan.

Made, adopted and published at Detroit, in the said territory this thirtieth day of December, in the year of our Lord, one thousand eight hundred and nineteen.

LEW. CASS,

*Governor of the Territory of Michigan.*

JOHN GRIFFIN,

*One of the Judges of the Territory of Michigan.*

J. WITHERELL.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 449.*

#### AN ACT CONCERNING SHERIFFS.

SECTION 1. *Be it enacted by the Governor and Judges of the territory of Michigan,* That the governor of the territory shall appoint a sheriff in each of the counties thereof, who shall hold his office during the pleasure of the governor,

and shall also previous to entering upon the execution of its duties, take an oath to support the constitution of the United States, and also an oath faithfully to execute the duties of the said office.

\* \* \* \* \*

SECTION 5. *And be it further enacted,* That the sheriff of each county in this territory shall, as soon as may be after he takes upon himself the office, by writing under his hand and seal, make some proper person under-sheriff of the same county, during the pleasure of such sheriff; \* \*

SECTION 7. *And be it further enacted,* That the sheriff of each of the counties in this territory shall have the custody of the gaols and prisons thereof, and the prisoners in the same, and the same sheriffs respectively shall put in keepers thereof, for whom they will answer.

SECTION 8. *And be it further enacted,* That it shall be the duty of the sheriffs to keep and preserve the peace in their respective counties, and to cause all offenders against the law, in his view or within his knowledge to enter into recognizance with sureties, for keeping the peace, and appearing at the next term of the county court of the proper county, and to commit in case of refusal, and return said recognizance certified to the said court; \* \* \* \*

SECTION 29. *And be it further enacted,* That the act entitled "An act concerning sheriffs," made, adopted and published on the eleventh day of September, in the year of our Lord one thousand eight hundred and nineteen, and all acts and parts of acts coming within the purview of this act, be, and the same are, hereby repealed; saving, however, to every person, all accruing rights under any or either of said acts.

The same being adopted from the laws of two of the original states, to wit, the states of New-York and Ohio, as far as necessary and suitable to the circumstances of the territory of Michigan.

Made, adopted and published at the city of Detroit, in the

said territory, this twenty-seventh day of March, in the year of our Lord, one thousand eight hundred and twenty.

LEW. CASS,

*Governor of the Territory of Michigan.*

JOHN GRIFFIN,

*One of the Judges of the Territory of Michigan.*

J. WITHERELL.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 504.*

#### AN ACT FOR THE RELIEF OF THE POOR.

SECTION 1. *Be it enacted by the Governor and Judges of the territory of Michigan,* That the county commissioners in the respective counties of this territory, shall have the care and management of all paupers in their respective counties.

\* \* \* \* \*

SECTION 6. *And be it further enacted,* That the act entitled, "An act for the relief of paupers," passed the eighth day of October, one thousand eight hundred and five, and the act entitled, "An act for the relief of the poor," passed the twenty-fifth day of November, in the year of our Lord one thousand eight hundred and seventeen, be, and the same are hereby repealed.

The same being adopted from the laws of one of the original states, to wit, the state of Ohio, as far as necessary and suitable to the circumstances of the territory of Michigan.

Adopted, made and published at the city of Detroit, this sixth day of April, one thousand eight hundred and twenty.

LEW. CASS,

*Governor of the Territory of Michigan.*

JOHN GRIFFIN.

*One of the Judges of the Territory of Michigan.*

J. WITHERELL.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 531.*

#### AN ACT TO PROVIDE FOR THE APPOINTMENT, AND TO DEFINE THE DUTIES, OF COUNTY TREASURERS.

SECTION 1. *Be it enacted by the Governor and Judges of the territory of Michigan,* That a county treasurer shall be appointed by the governor, in each of the counties of this territory, \* \* \* \* \*

SECTION 2. *And be it further enacted,* That it shall be the duty of the treasurer to receive all monies due and accruing to the county, and pay and disburse the same for the discharge of the debts of the county, on warrants drawn by order of the county commissioners of the proper county; and the treasurer shall keep a just and true account of all monies received and disbursed, and hold and keep the same at all times ready for the inspection of the said commissioners; and shall once in three months furnish the said commissioners with a statement thereof, balanced to the day when such statement is furnished, shewing all the monies received and disbursed during the preceding term, and the balance remaining in his hands, together with the names of the collectors, in whose hands are any arrearages of taxes, and the amount thereof; and shall annually, on the first Monday of December, produce his vouchers to the said commissioners, and settle his accounts; and the said commissioners shall allow the treasurer so much *per cent.* on all monies received and paid by him, as they shall from time to time deem sufficient for his services.

SECTION 3. *And be it further enacted,* That all acts and parts of acts coming within the purview of this act, be, and the same are hereby repealed: *Provided* such repeal shall not affect any acts done, or rights accrued, under, or by virtue of, any law heretofore in force within this territory.

The same being adopted from the laws of one of the original states, to wit, the state of Pennsylvania, as far as necessary and suitable to the circumstances of the territory of Michigan.



Adopted, made and published at the city of Detroit, this sixth day of April, one thousand eight hundred and twenty.

LEW. CASS,

*Governor of the Territory of Michigan.*

JOHN GRIFFIN,

*One of the Judges of the Territory of Michigan.*

J. WITHERELL.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 533.*

AN ACT TO PROVIDE FOR THE APPOINTMENT OF COUNTY COMMISSIONERS, AND FOR THE RAISING OF COUNTY RATES AND LEVIES.

SECTION 1. *Be it enacted by the Governor and Judges of the Territory of Michigan,* That it shall be the duty of the Governor to appoint three County Commissioners in each of the Counties in this Territory, any two of whom shall form a quorum, who shall take an oath to support the Constitution of the United States, and also an oath of office.

SECTION 2. *And be it further enacted,* That the said Commissioners shall hold their sessions on the first Mondays of March, June, September, and December, in each year, and on any other days, to which they may adjourn. And the clerks of the respective county courts shall be the clerk of the commissioners thereof, and shall keep the books and accounts of the said commissioners, and record or file whatsoever proceedings they may direct, and attest all orders and warrants issued by them, and do and perform every other act and thing whatsoever, which may appertain to their offices as clerks, or which they may be required to do, in conformity with the law, by the commissioners.

SECTION 3. *And be it further enacted,* That all accounts, debts and demands, justly chargeable upon the respective counties, shall be allowed by the commissioners thereof, who

shall issue orders upon the county Treasurer, in favor of all creditors for the sum or sums so allowed, which orders shall be received in payment for county taxes, and shall be numbered in their order, and entered in a book to be kept for that purpose.

SECTION 4. *And be it further enacted,* That the said commissioners shall, from time to time, adjust and settle the demands and sums of money, which the necessary public expenditures require should be paid, to defray the charges for building and repairing Court Houses, Gaols, and Bridges, for the opening of Roads, for the support of persons confined in Gaol on criminal charges, or upon sentence, for the expenses of public prosecutions, for the support of the poor, and for defraying such other charges as are or may be required by law to be paid at the county Treasury. And the said commissioners shall, annually, at their session in March, proceed to make an estimate of the probable expenses of their counties respectively, for the ensuing year, and shall determine what lands, chattels, effects and estates, including wild lands, shall be ratable for assessment and taxation, during the said year, and shall issue their precept to the sheriff of the county, and to some respectable land holder therein, requiring them to assess such ratable estate accordingly. And if the said assessors shall refuse or neglect, or be unable to execute the said duty, or if vacancies happen by death or otherwise, the said commissioners shall authorize some other person or persons to execute such duty, who shall have the same powers, be subject to the same penalties, and receive the same compensation; but such appointment shall not exonerate such sheriff or other person from any penalty herein imposed.

\* \* \* \* \*

SECTION 8. *And be it further enacted,* That the said commissioners shall, annually, on the first Monday of June, or as soon thereafter as practicable, and after hearing and deciding all appeals, which may be brought before them, proceed to assign to each person the sum, for which he shall be taxed



for the current year, by estimating his tax in the same proportion to the sum directed to be raised by the commissioners for the service of the county, during the current year, which the value of his estate, real and personal, bears to the aggregate value of all the estates, real and personal, in the county: *Provided*, That no tax in any county, shall in one year exceed the rate of one fourth of one per cent. in every dollar of the adjusted valuation of the property.

\* \* \* \* \*

SECTION 15. *And be it further enacted*, That the assessors shall receive such sum, not exceeding three dollars per day, as the commissioners may think proper, for every day actually and necessarily employed in assessing property, and the sheriff or collector shall receive a sum, not exceeding six per centum, to be ascertained by the said commissioners, upon all sums by such sheriff or collector collected and paid into the county Treasury: And the several commissioners shall receive annually for their services the sum of thirty dollars, to be paid out of the county Treasury, except in those counties, in which other provisions have been or may be made. And the clerks of the respective county courts shall receive, in full for their annual compensation, a sum not exceeding fifty dollars, to be allowed by the said commissioners, which sums shall be paid out of the county Treasury.

SECTION 16. *And be it further enacted*, That the commissioners of each county shall publish a fair and accurate statement of all receipts and expenditures of the current year, for two days, in one of the newspapers printed in their counties respectively, in which a newspaper is or shall be printed, and where no newspaper is or shall be printed, then upon the door of the court-house, in the month of December annually;

\* \* \* \* \*

SECTION 21. *And be it further enacted*, That this act shall take effect and be in force from and after the first day of January next.

The same being adopted from the laws of three of the

original states, to wit, the states of New-Jersey, Pennsylvania, and Ohio, as far as necessary and suitable to the circumstances of the territory of Michigan.

Made, adopted and published, at the city of Detroit, this eighth day of May, in the year of our Lord, one thousand eight hundred and twenty.

LEW. CASS,

*Governor of the Territory of Michigan.*

JOHN GRIFFIN,

*One of the Judges of the Territory of Michigan.*

J. WITHERELL.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 661.*

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AN ACT TO REGULATE AND DEFINE THE DUTIES AND POWERS OF JUSTICES OF THE PEACE AND CONSTABLES, IN CIVIL CASES.

SECTION 1. *Be it enacted by the Governor and Judges of the territory of Michigan*, That all actions of assumpsit, debt, detinue, covenant, trespass on the case, and trespass, including trespass on any lands or other real estate, wherein the balance due or the damages or thing demanded, shall not exceed one hundred dollars; and also penalties not exceeding the said sum, imposed by any statute of this territory, and also all sums of money not exceeding one hundred dollars, to be sued for and recovered in any court of record, by virtue of any statute of this territory, as well by and in favor of executors and administrators as others, and as well against attornies and other officers of any court of justice of this territory, except during the sittings of said court, as others, shall be cognizable before any justice of the peace of any county within this territory; and every such justice is hereby authorized to hold a court for the trial of all such actions, and to hear, try and determine the same, according to law and equity,



and is hereby vested with all such power, for the purpose aforesaid, as is usual in courts of record in this territory, and shall sign all process to be issued by him: *Provided always*, That no justice of the peace shall have cognizance of any action where the title to land shall in any wise come in question, except as aforesaid, nor of any action of replevin, assault, battery, or imprisonment, or of slander, or malicious prosecution, nor of matters of account, where the sum total of the accounts of both parties proved to the satisfaction of the justices, shall, in the whole amount to five hundred dollars, nor of any action to be brought against an executor or administrator, for any debt or demand due from the estate of any testator or intestate.

\* \* \* \* \*

SECTION 13. *And be it further enacted*, That all constables shall be ministerial officers of justices of the peace; and when no constable is found to serve process, the justice shall appoint a person for that purpose, who shall be entitled to the same fees, and liable to the same penalties, as constables.

\* \* \* \* \*

SECTION 32. *And be it further enacted*, That the act entitled "An act to abolish the court of districts, and to define and regulate the powers, duties and jurisdiction of justices of the peace, in matters civil and criminal," adopted and published on the sixteenth day of September, one thousand eight hundred and ten, and the act in addition thereto, passed the thirty-first day of December, one thousand eight hundred and seventeen, and the third and tenth sections of the act entitled "An act establishing county courts and for other purposes," adopted and published on the twenty-fourth day of October, one thousand eight hundred and fifteen, all other acts and parts of acts coming within the purview of this act, be, and the same are hereby repealed: *Provided*, That such repeal shall not revive any act repealed by either of the said acts: *And provided also*, That such repeal shall not effect or annul

any order, proceeding or suit already commenced under or by virtue of either of said acts, but the same shall be carried on and proceeded with, and every thing had or done under the same, shall continue valid and effectual in all respects, as though this act had never been passed.

The same being adopted from the laws of four of the original states; to wit, the states of New-York, Ohio, North Carolina and Vermont, as far as necessary and suitable to the circumstances of the territory of Michigan.

Adopted, made and published at the city of Detroit, this twentieth day of May, one thousand eight hundred and twenty.

LEW. CASS,

*Governor of the Territory of Michigan.*

JOHN GRIFFIN,

*One of the Judges of the Territory of Michigan.*

J. WITHERELL.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 604.*

#### AN ACT CONCERNING CONSTABLES.

SECTION 1. *Be it enacted by the Governor and Judges of the Territory of Michigan*, That the governor shall appoint a competent number of constables in the several counties of this territory, who may hold their offices during the pleasure of the governor, and who shall take an oath to support the constitution of the United States, and also an oath of office.

\* \* \* \* \*

SECTION 5. *And be it further enacted*, That constables shall be the ministerial officers of justices of the peace in their respective counties; and it shall be the duty of constables to apprehend and bring to justice, all felons and disturbers of the peace; to suppress riots, and give information of all offences against the laws, which may come to their knowl-



edge: they shall also keep and preserve the peace in their respective counties; and the authority of constables, in civil and criminal cases, shall be co-extensive with the counties, for which they may be respectively appointed, within which they shall serve such process as may be directed to them, agreeably to law: and they shall attend upon the supreme court and county courts in their respective counties, when thereto warned by the order of such courts, and shall do and perform such other services as are or may be required by law.

\* \* \* \* \*

SECTION 7. *And be it further enacted*, That all acts coming within the purview of this act be, and the same are, hereby repealed: *Provided*, That such repeal shall not operate to affect any thing done under such acts. This act shall take effect and be in force, from and after the first day of January next.

The same being adopted from the laws of three of the original states, to wit, the states of Massachusetts, New-York and Ohio, as far as necessary and suitable to the circumstances of the territory of Michigan.

Made, adopted and published, at the city of Detroit, in the said territory, this twenty-eight day of November, one thousand eight hundred and twenty.

LEW. CASS,

*Governor of the Territory of Michigan.*

J. WITHERELL.

A. B. WOODWARD.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 683.*

#### AN ACT CONCERNING CORONERS.

SECTION 1. *Be it enacted by the Governor and Judges of the Territory of Michigan*, That the governor of the territory shall appoint a coroner, in each of the counties thereof,

who shall hold his office during the pleasure of the governor, and shall, previously to entering upon the execution of the duties of his office, take an oath to support the constitution of the United States, and also an oath of office.

\* \* \* \* \*

SECTION 3. *And be it further enacted*, That whenever the office of sheriff shall become vacant in any county, either by death, resignation or otherwise, and there shall be no under-sheriff therein, the coroner of such county shall perform the same duties, be vested with the same powers, and liable to the same fines, penalties and other proceedings, as are or may be provided by law, in the case of sheriffs, during such vacancy; and in case the sheriff, for any cause, shall be committed to gaol, the coroner shall, by himself or by his deputy, be keeper of the gaol, during the time the sheriff shall remain a prisoner.

SECTION 4. *And be it further enacted*, That the coroner shall execute process of every kind, wherein the sheriff or either of his deputies, or the under-sheriff, may be a party or interested in the suit, or where, for other just cause, the sheriff is rendered incapable of executing the same.

SECTION 5. *And be it further enacted*, That every coroner shall, upon view of the body, take inquests of deaths in prison, and of all violent, sudden or casual deaths, within his county, and the manner of such deaths.

\* \* \* \* \*

SECTION 16. *And be it further enacted*, That the act entitled "An act in addition to an act concerning the marshal of the territory of Michigan," adopted and published the thirteenth day of September, one thousand eight hundred and five, and all acts and parts of acts coming within the purview of this act be, and the same are hereby repealed: *Provided* the same shall not affect anything had or done under any, or either of said acts.

The same being adopted from the laws of four of the original states, to wit, the states of New-York, New-Jersey, Ohio



and Massachusetts, as far as necessary and suitable to the circumstances of the territory of Michigan.

Made, adopted and published, at the city of Detroit, this twenty-ninth day of November, in the year of our Lord, one thousand eight hundred and twenty.

LEW. CASS,

*Governor of the Territory of Michigan.*

A. B. WOODWARD.

*One of the Judges in and over the Territory of Michigan and Presiding Judge of the Supreme Court thereof.*

J. WITHERELL.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 671.*

AN ACT CONCERNING THE SUPREME AND COUNTY COURTS OF THE TERRITORY OF MICHIGAN, DEFINING THEIR JURISDICTION AND POWERS, AND DIRECTING THE PLEADINGS AND PRACTICE THEREIN IN CERTAIN CASES.

SECTION 1. *Be it enacted by the Governor and Judges of the Territory of Michigan,* That there shall be a supreme court in the said territory, to consist of three judges, appointed and commissioned by the President of the United States.

\* \* \* \* \*

SECTION 6. *And be it further enacted,* That the supreme and county courts are empowered to administer all necessary oaths for promoting justice between the parties, and necessary to the conviction and punishment of offenders, and to punish, at the reasonable discretion of the said courts, all contempts committed against the authority of the same.

SECTION 7. *And be it further enacted,* That a court shall be established in every county of this territory, to consist of one chief justice and two associate justices, any two of whom shall form a quorum; and the said court shall have original

jurisdiction in all civil cases where the sum demanded or matter in dispute is not within the jurisdiction of a justice of the peace, and does not exceed the sum of one thousand dollars; and appellate jurisdiction from any judgment or decision rendered or given by justices of the peace, in their respective counties, in cases authorised by law; and furthermore, that the said courts shall have cognizance of all crimes and offences, the punishment whereof is not capital, concurrent with the supreme court; and shall have the same power to issue remedial and other process, (writs of error and mandamus excepted,) as the supreme court may have: And either of the justices of said courts, in vacation, shall, on good cause shown, have power to allow writs of supersedeas and also to grant writs of habeas corpus ad subjiciendum.

SECTION 8. *And be it further enacted,* That the chief and associate justices of the county courts, before they proceed to execute the duties of their respective offices, shall each take an oath or affirmation to administer justice without respect to persons, and to do equal right to the poor & to the rich, and faithfully and impartially to discharge and perform all the duties incumbent on him as a justice, according to the best of his abilities and understanding, agreeably to the laws of the United States, and the laws of this territory; and he shall have the same endorsed on his commission.

SECTION 9. *And be it further enacted,* That the governor of the territory for the time being, shall, from time to time, appoint and commission clerks for the respective county courts, and each of the said clerks shall, before he enters upon the execution of his office, take an oath or affirmation, that he will truly and faithfully enter and record all the orders, decrees, judgments and proceedings of the said court, and faithfully and impartially discharge & perform all the duties of his said office, according to the best of his abilities and understanding; and the said clerks shall also severally give bond, with sufficient sureties (to be approved of by the courts respectively) to the treasurer of the territory of Michigan, in



the sum of two thousand dollars, conditioned that he will truly and faithfully enter and record all the orders, decrees, judgments and proceedings of the said court, and faithfully and impartially discharge and perform all the duties of his said office; which bond shall be lodged with the treasurer of the county in which such clerk may be appointed.

SECTION 10. *And be it further enacted,* That it shall be the duty of the clerk of the supreme court, and of the clerks of the several county courts in this territory, to appoint, by writing, under their hands and seals, some competent person, who shall reside in the city or county, where such clerk's office may held, their deputy, to be approved of by a majority of the court, to the office in which they respectively may be commissioned, who, in case of the sickness, death or absence of the clerk, shall be authorized and empowered to execute and perform all the powers and duties of the clerk until he shall return to the execution of the duties of his office, or another shall be appointed: And anything done or performed by such deputy, shall be considered as valid and effectual as though the same had been done or performed by his principal; and every clerk shall be liable for the acts and doings of his deputy.

SECTION 11. *And be it further enacted,* That the terms of the respective county courts in this territory, may be continued and held from the time of the commencement thereof, every day, except Sunday, day by day, until and including the second Saturday after the commencement of the term.

SECTION 12. *And be it further enacted,* That the judges of the supreme court, and the justices of the county courts in every county of this territory, may make and record all such rules respecting the trial and conduct of business both in term and vacation, as the discretion of the said court shall dictate, not contravening the laws of the United States, nor of this territory: And in order that the rules of practice and proceedings of the county courts may be uniform, and as near as may be, conformable to the rules of the supreme court, the

clerk of said court shall, from time to time, transmit copies of the rules to the clerks of the county courts, and the judges of the said courts, shall from time to time, make rules agreeably thereto, as near as may be, for the practice of their courts respectively.

SECTION 13. *And be it further enacted,* That for preventing errors in entering the judgments, orders and decrees of the supreme and county courts, the judges and justices of the said courts respectively, before every adjournment, shall cause the minutes of their proceedings during the preceding day, to be publicly read by the clerk, and corrected when necessary, and then the same shall be signed by the clerk, by order of the said court; which minutes, so signed, shall be taken in a book, and carefully preserved among the records.

SECTION 14. *And be it further enacted,* That whenever any civil cause, of whatever nature it be, shall be finally determined the clerk of the court, shall, during the next vacation, enter the warrants of attorney, original writ or writs, declaration, pleadings, proceedings and judgment in such cause, so as to make a complete record thereof, in a separate book, to be kept for that purpose, with a complete alphabetical index to the same; which record, after being examined and compared with the warrants of attorney, writ or writs, declaration, pleadings, proceedings and judgment, and being found correct, shall, at the next term, be signed by the clerk, by order of the court.

SECTION 15. *And be it further enacted,* That the clerks of the supreme court and county courts respectively, shall enter in a docket or book, to be kept for that purpose, a list of all executions issued, the name of the person to whom delivered, what return is made thereon, in case the same be returned, and the final satisfaction of the judgment, when the same is made, to which docket all persons may have access.

SECTION 16. *And be it further enacted,* That all writs and process from the supreme court shall run in the style of the United States of America, shall bear teste in the name of



the presiding judge, if not interested, but if interested, then in the name of one of the other judges not interested, shall be sealed with the seal of the court, shall be signed by the clerk, and shall be dated the day on which the same may issue: And all original writs from the supreme court, shall be returnable on the first day of the term, and all other writs and process from the supreme court shall be returnable according to the direction of the said court: *And further*, That all writs and process, returnable in any county court, shall have the same style, and be tested, sealed, signed, dated by the clerk thereof, and be returnable in the same manner, as is above directed in the supreme court.

\* \* \* \* \*

SECTION 61. *And be it further enacted*, That this act shall take effect and be in force, from and after the thirty-first day of March, in the year of our Lord, one thousand eight hundred and twenty-one.

The same being adopted from the laws of seven of the original states, to wit, the states of Massachusetts, New-York, New-Jersey, Pennsylvania, Virginia, North Carolina and Ohio, as far as necessary and suitable to the circumstances of the territory of Michigan.

Made, adopted and published at the city of Detroit, the twenty-first day of December, in the year of our Lord, one thousand eight hundred and twenty.

LEW. CASS,  
*Governor of the Territory of Michigan.*

A. B. WOODWARD,  
*One of the Judges of the territory of Michigan.*  
J. WITHERELL.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 714.*

AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT CONCERNING THE SUPREME AND COUNTY COURTS OF THE TERRITORY OF MICHIGAN, DEFINING THEIR JURISDICTION, AND DIRECTING THE PLEADINGS AND PRACTICE THEREIN IN CERTAIN CASES."

SECTION I. *Be it enacted by the Governor and Judges of the Territory of Michigan*, That if a quorum of the justices of the county court of any county in this territory, do not attend, either at the commencement of any term of any such court or on any day during the continuance of any such term, the clerk shall make an entry of the fact, and the court shall be adjourned until the succeeding day, and so from day to day, for four days, if so many days remain before the time limited for the term of the court, until the court shall be opened agreeably to the provisions of the act to which this act is an addition: and if the court shall not be opened, all matters pending in said court shall be continued of course, and no action or matter shall abate or be discontinued.

The same being adopted from the laws of one of the original states, to wit, the state of Ohio, as far as necessary and suitable to the circumstances of the Territory of Michigan.

Made, adopted and published at the city of Detroit, this twenty-second day of March, one thousand eight hundred and twenty-one.

LEW. CASS,  
*Governor of the Territory of Michigan.*

A. B. WOODWARD,  
JOHN GRIFFIN,  
*One of the Judges of the Territory of Michigan.*  
J. WITHERELL.

—*Reprinted from Laws of the Territory of Michigan, Vol. I., p. 850.*

## NUMBER XIV.

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THE documentary material presented in this number is illustrative of the development of Local Government in the Territory of Michigan from 1822 to 1825 inclusive.

B. F. S.



AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE AND DEFINE THE POWERS OF JUSTICES OF THE PEACE AND CONSTABLES IN CASES."

SECTION 1. *Be it enacted by the Governor and Legislative Council of the Territory of Michigan,* That any justice of the peace within this territory may, in all actions hereafter instituted, and before or after any process shall issue, at his discretion require of the plaintiff in such action, that he enter into a recognizance with one sufficient surety for the payment of the costs of suit, or that he become nonsuit.

SEC. 2. *And be it further enacted,* That the seventh section of the act to which this act is amendatory, and also so much of the fifteenth section of said act as excludes the right of appeal from the judgment of a justice of the peace, if such judgment shall not exceed the sum of twenty dollars, be, and the same are hereby repealed: *Provided,* That nothing herein contained shall affect any proceedings heretofore had, or rights accrued.

Approved August 4, 1824.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 199.*

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AN ACT TO AMEND AN ACT ENTITLED "AN ACT CONCERNING THE SUPREME AND COUNTY COURTS OF THE TERRITORY OF MICHIGAN, DEFINING THEIR JURISDICTION AND POWERS AND DIRECTING THE PLEADINGS AND PRACTICE THEREIN, IN CERTAIN CASES."

SECTION 1. *Be it enacted by the Governor and Legislative Council of the Territory of Michigan,* That the judges of the Supreme Court shall, once in every year, hold a court in each of the counties of this Territory hereinafter named, and that each of the said courts shall be held so many days as the court holding the same shall think necessary.

SEC. 2. *And be it further enacted,* That the said court shall be held at the times and places following, to wit: At Detroit, in the county of Wayne, on the third Monday of September, in each year; at the town of Monroe, in the county of Monroe, on the second Monday of February, in each year; at Pontiac, in the county of Oakland, on the third Monday of June, in each year; at Mount Clemens, in the county of Macomb, on the fourth Monday of October, in each year; and at the town of St. Clair, in the county of St. Clair, on the second Monday of January in each year. And, for the purposes of this act, it is hereby enacted, and declared that all the said several counties, herein above enumerated, shall be considered to comprehend respectively, all that territory which was comprehended within the same respectively, on the first day of September, one thousand eight hundred and twenty-two; although new counties may since have been set off and established, excepting that district of country comprehended within the present counties of Brown, Crawford, and Michilimackinac.

SEC. 3. *And be it further enacted,* That the clerks of the county courts, in which the said Supreme Court is required by this act to be held, shall *ex officio*, be clerks of the Supreme Court in their respective counties, and shall possess the same powers, and perform the same duties, and be liable to the same pains and penalties, and receive the same fees as the clerk of the Supreme Court now does; and the said Supreme Court shall have power to remove the said clerks from office at their discretion.

\* \* \* \* \*

SEC. 5. *And be it further enacted,* That the Supreme Court, upon good cause shewn, shall have power to change the venue in any case pending therein, and direct the issue to be tried in any county other than the county in which it was commenced.

SEC. 6. *And be it further enacted,* That all writs of error, *habeas corpus*, *cum causa*, *certiorari*, and other process for the

removal of causes from any other court into the Supreme Court, shall issue from the office of the clerk of the Supreme Court in the county where it is to be served, and where it is made returnable, and all appeals to the Supreme Court from any other court shall be made and returned according to law in the Supreme Court in the county where such appeal shall be taken. But all causes, records or proceedings removed from the territorial court of the United States for the district composed of the counties of Brown, Crawford and Michilimackinac, by writ of error, shall be heard and determined by the said Supreme Court sitting at the seat of government for said territory, and the necessary process shall accordingly issue from the office of the clerk of the Supreme Court of the county in which the said seat of government may be.

SEC. 7. *And be it farther enacted,* That the provisions of the act to which this is an amendment, and of all other acts and parts of acts now in force, so far as the same may be applicable to, and consistent with, the objects and provisions of this act, be, and the same are hereby applied to the said Supreme Court, and the judges and all other officers thereof in the said several counties, and shall be obligatory therein.

\* \* \* \* \*

SEC. 9. *And be it further enacted,* That any justices of the respective county courts in this Territory shall have concurrent power with the judges of the Supreme Court, to order bail on original writs issuing from said Supreme Court.

\* \* \* \* \*

SEC. 11. *And be it farther enacted,* That any one justice of the county court, in the absence of the others, or where they are interested, shall form a quorum to transact business.

SEC. 12. *And be it further enacted,* That the judges of the Supreme Court for the said Territory, and the territorial judge appointed by the general government for the district, composed of the counties of Crawford, Brown, and Michilimackinac, and the justices of the respective county courts, shall have power and they are hereby authorized to hold



special sessions of their respective courts, at the respective places for holding courts for the trial of criminal causes, agreeably to their respective jurisdictions, whenever the said courts shall, in their sound discretion, deem it advisable and necessary; \* \* \* \*

SEC. 13. *And be it further enacted*, That the said Supreme Court shall be held at the respective court-houses in said counties, or other usual place for holding courts therein.

\* \* \* \*

SEC. 18. *And be it further enacted*, That all acts and parts of acts contravening the provisions of this act be and the same are hereby repealed.

SEC. 19. *And be it further enacted*, That the twelfth, sixteenth, seventeenth, nineteenth, twentieth and twenty-first sections of this act take effect from and after the passage thereof, and that the whole of the residue thereof take effect and be in force from and after the third Monday in September next.

SEC. 20. *And be it further enacted*, That the seventh section of an act entitled "An act concerning grand and petit jurors," be and the same is hereby repealed.

SEC. 21. *And be it further enacted*, That the fifth section of an act entitled, "An act to amend an act" entitled "An act concerning grand and petit jurors," be and the same is hereby repealed.

SEC. 22. *And be it further enacted*, That so much of the act entitled, "An act concerning the attorney general and prosecuting attornies," as provided that there shall be an attorney general for the said Territory, be and the same is repealed.

SEC. 23. *And be it further enacted*, That the fees for summoning a grand jury in the Supreme Court shall hereafter be five dollars and no more.

Approved August 5, 1824.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 217.*

# AN ACT TO PRESCRIBE THE TENURE OF CERTAIN OFFICES.

SECTION 1. *Be it enacted by the Legislative Council of the Territory of Michigan*, That hereafter all justices of the county courts, judges of probate, clerks of the county courts, registers of probate, and clerks of the Supreme Court, shall be appointed for the term of four years; and all justices of the peace, and sheriffs, shall be appointed for the term of three years; *Provided*, That it shall be competent for the Governor of the Territory, at any time sooner, to revoke and determine the commission of either of the said officers.

SEC. 2 *And be it further enacted*, That the commission of all justices of the county courts, judges of probate, clerks of the county courts, registers of probate, justices of the peace, and of the clerk of the Supreme Court, and sheriffs, who are now in office, shall cease and determine on the thirty-first day of December, which will be in the year of our Lord, one thousand eight hundred and twenty-five.

Approved March 30, 1825.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 235.*

# AN ACT CONCERNING THE SUPREME AND COUNTY COURTS OF THE TERRITORY OF MICHIGAN, DEFINING THEIR JURISDICTION AND POWERS, AND DIRECTING THE PLEADINGS AND PRACTICE THEREIN, IN CERTAIN CASES.

SECTION 1. *Be it enacted by the Legislative Council of the Territory of Michigan*, That the Supreme Court of the said Territory, consisting of the three judges appointed and commissioned by the President of the United States, shall have power to hear and determine all questions of law which may arise in the circuit courts hereinafter mentioned upon motions for new trial, or in arrest of judgment, bills of exceptions, cases reserved, or writs of error from said circuit courts or county courts, which said Supreme Court shall be holden



annually at the city of Detroit, in the county of Wayne, on the third Monday in September, and shall be holden so many days as shall be necessary for the convenient transaction of the business thereof.

\* \* \* \* \*

SEC. 5. *And be it further enacted,* That there shall be circuit courts, to be held in each of the respective counties hereinafter named, the duties of which court shall be performed by one of the judges of said Supreme Court, with the powers and under the regulations hereinafter mentioned and directed; which circuit courts shall be held so many days as the judge holding the same shall think necessary.

SEC. 6. *And be it further enacted,* That the said circuit court shall have original jurisdiction, within the respective circuits, in all civil actions at law, where the balance due or thing demanded shall exceed the sum of one thousand dollars; and jurisdiction concurrent with the county courts, in all civil actions at law, where a justice of the peace has not jurisdiction, and of all actions of ejectment, and of all criminal cases where the punishment is capital, and of all cases which are not exclusively cognizable before some other court by the laws of this Territory, and jurisdiction concurrent with the county courts of all other crimes and offences; and the said circuit courts shall have appellate jurisdiction from the county courts in all civil cases, in which those courts have, or may have original jurisdiction.

SEC. 7. *And be it further enacted,* That the clerks of the county courts of the counties in which the said circuit courts are required by this act to be held, shall *ex officio*, be clerks of the circuit courts in their respective counties, and shall possess the same powers, and perform the same duties and be liable to the same pains and penalties, give the same bond, take the same oath, and receive the same fees as the clerk of the Supreme Court now does; and the said circuit court shall have power to remove the said clerks from office at their discretion.

SEC. 8. *And be it further enacted,* That original writs and all other process issuing from the office of any clerk of any circuit court, shall be directed to, and executed by, the sheriff, or other proper officer of the county in which such original writ or other process may issue.

SEC. 9. *And be it further enacted,* That all writs of *habeas corpus cum causa*, and other process for the removal of causes from any county court into the circuit court, shall issue from the office of the clerk of the circuit court in the county where it is to be served, and where it is made returnable, and all appeals from any county court shall be made returnable according to law in the circuit court in the county where such appeal shall be taken.

SEC. 10. *And be it further enacted,* That all acts and parts of acts now in force, so far as the same may be applicable to, and consistent with, the objects and provisions of this act, be, and the same are hereby applied to the said circuit courts, and all officers thereof in the said several counties, and shall be obligatory therein.

SEC. 11. *And be it further enacted,* That the county of Wayne shall be one circuit, and the court for the same shall be held at Detroit, on the second Monday of December, in each year; and the county of Macomb shall be one circuit, and the court for the same shall be held at Mount Clemens, on the first Tuesday after the third Tuesday of October, eighteen hundred and twenty-six, and on the same day thereafter in each year; and the county of St. Clair shall be one circuit, and the court for the same shall be held at the town of St. Clair, on the third Tuesday of October, eighteen hundred and twenty-six, and on the same day thereafter, in each year; and the county of Oakland shall be one circuit, and the court for the same shall be held at Pontiac on the third Monday of June, in each year; and the county of Monroe shall be one circuit, and the court for the same shall be held at Monroe, on the second Monday of February, in each year; and for the purposes of this act it is hereby enacted and declared:



that all the said several counties, herein above enumerated, shall be considered to comprehend respectively, all that territory which was comprehended within the same respectively, on the first day of September, in the year of our Lord, one thousand eight hundred and twenty-two, although new counties may since have been set off and established, excepting that district of country comprehended in the present counties of Brown, Crawford and Michilimackinac.

\* \* \* \* \*

SEC. 21. *And be it further enacted,* That nothing in this act contained, shall be so construed as to abolish or abrogate the several county courts heretofore established, or to affect the tenure of office of the justices or other officers thereof, but the same courts shall remain established, in the several counties of this Territory, and any one of the justices thereof, in the absence of the others, or where they are interested, shall form a quorum; and the said court shall have original jurisdiction in all civil cases where the sum demanded or matter in dispute is not within the jurisdiction of a justice of the peace, and does not exceed the sum of one thousand dollars; and appellate jurisdiction from any judgment or decision, rendered or given by justices of the peace, in their respective counties, in cases authorized by law; and furthermore, that the said county courts, shall have cognizance of all crimes and offences, the punishment whereof is not capital, concurrent with the Supreme and circuit court, and shall have the same power to issue remedial and other process (writs of error and *mandamus* excepted) as the Supreme Court may have; and either of the justices of said courts, in vacation, shall, on good cause shewn, have power to allow writs of *supersedeas* and also to grant writs of *habeas corpus ad sub-jiciendum*.

\* \* \* \* \*

SEC. 27. *And be it further enacted,* That the several county courts within this Territory shall be held at the respective court-houses or other usual places for holding

courts therein, and if a quorum of the justices of the county court of any county in this Territory do not attend, either at the commencement of any term of such court, or on any day during the continuance of such term, the clerk shall make an entry of the fact, and the court shall be adjourned until the succeeding day, and so from day to day for four days, until the court shall be opened agreeably to the provisions of this act, and if the court shall not be opened, all matters pending therein shall be continued, of course, and no action or matter shall abate or be discontinued.

\* \* \* \* \*

SEC. 31. *And be it further enacted,* That each justice of the county courts in this Territory shall have concurrent power with the judges of the circuit court, to order bail on original writs issuing from the said circuit court.

SEC. 32. *And be it further enacted,* That the judges of the Supreme Court for the said Territory, and the territorial judge appointed by the general government for the district composed of the counties of Crawford, Brown and Michilimackinac, and the justices of the respective county courts, shall have power and they are hereby authorized to hold special sessions of their respective courts at the respective places for holding courts, for the trial of criminal cases, agreeably to their respective jurisdictions, whenever the said courts shall, in their sound discretion, deem it advisable and necessary,

\* \* \* \* \*

SEC. 68. *And be it further enacted,* That the following acts and parts of acts, that is to say: "An act concerning the Supreme and county courts of the Territory of Michigan, defining their jurisdiction and powers, and directing the pleadings and practice therein in certain cases," passed the twenty-first day of December, eighteen hundred and twenty, and an act to amend said act, passed the fifth day of August, in the year of our Lord one thousand eight hundred and twenty-five: *Provided,* That all suits, causes,



matters or things before the Supreme Court, under said act, whenever said Supreme Court may have been required to hold its sessions under said act, shall stand continued to the said Supreme Court next to be holden in the city of Detroit, in the county of Wayne in said Territory on the third Monday in September next, and no suit, cause, matter or thing shall abate or be discontinued, any thing in said act to the contrary notwithstanding; and the second, third, fourth, seventh, eighth, ninth and tenth sections of an act entitled "An act further to regulate the practice of the courts and for other purposes," passed the nineteenth day of April, eighteen hundred and twenty-one, and an act entitled "An act in addition to an act entitled, 'An act concerning the Supreme and county courts of the Territory of Michigan, defining their jurisdictions and directing the pleadings and practice therein in certain cases,'" passed the twenty-second day of March, eighteen hundred and twenty-one and an act entitled "An act to regulate the times of holding the county courts," passed the twelfth day of March, eighteen hundred and twenty-one, and all other acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed: *Provided*, That such repeal shall not affect any rights already accrued, nor any proceedings already had or done under any or either of the acts repealed.

SEC. 69. *And be it further enacted*, That for the trial of every issue required to be tried by jury in any court, it shall be the duty of the clerk of the court to select by lot, under the direction of the court, a competent number of jurors for the trial thereof, from the list of petit jurors returned by the sheriff.

SEC. 70. *And be it further enacted*, That this act shall take effect from and after the third Monday of September next.

Approved April 21, 1825.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 264.*

# AN ACT TO PROVIDE FOR THE ELECTION OF CERTAIN COUNTY OFFICERS.

SECTION 1. *Be it enacted by the Legislative Council of the Territory of Michigan*, That county commissioners, treasurers, coroners, and constables shall be hereafter elected by the qualified electors of the respective counties, and that the second Tuesday of October shall be the day for the annual election of county officers.

SEC. 2. *And be it further enacted*, That the commissions of all county commissioners, county treasurers, coroners, and constables who are now in office, shall cease and determine on the second Tuesday of October next.

SEC. 3. *And be it further enacted*, That at least thirty days previous to any annual election, it shall be the duty of the justices of the county courts of the respective counties to determine the number of constables who shall be elected at such annual election, and the townships or other divisions of the counties in which such constables shall reside; and it shall be the duty of the sheriffs of the several counties, at least twenty days before the day of any annual election, and at least fifteen days before the day of any special election, to give public notice by proclamation throughout his county of the time of holding such election, and of the officers to be chosen, and also of the order of the justices respecting the number and residence of the constables, one copy of which proclamation shall be published in a newspaper in the county, if any be printed therein, and at least six copies shall be set up in the most public places in the county.

\* \* \* \* \*

SEC. 6. *And be it further enacted*, That whenever any vacancy shall happen in the office of any county commissioner, county treasurer, coroner or constable, previously to the expiration of the term of service of such officer, and a majority of the justices of the county court of the county shall be of opinion that the public interest requires that such office shall be



filled before the next annual election, such justices shall issue their warrant to the sheriff, directing him to give notice that such election will be held on a day to be by them appointed; and the same proceedings shall be had as are herein before provided for: *Provided*, That the term of service of any person chosen at any special election, either to fill vacancies, or in a county recently organized, shall expire at the next annual election.

SEC. 7. *And be it further enacted*, That whenever any new county shall be hereafter organized, it shall be the duty of the justices of the county court, or a majority of them, to appoint, as soon as convenient, a day for the election of county commissioners, coroners, county treasurers and constables, and the same proceedings shall be had in relation thereto as are herein before provided for.

SEC. 8. *And be it further enacted*, That county commissioners, county treasurers, and coroners, shall be commissioned by the Governor, and those who are elected at any annual election, shall hold their offices for the term of three years, unless the Governor for the time being, should think proper sooner to revoke and determine such commissions: *Provided*, That the justices of the county courts, when they meet to perform the duties required by the fifth section of this act, in October next, shall by lot, determine the period for which the respective county commissioners shall serve, by placing in one box the name of each commissioner written on separate pieces of paper, and in another the numbers, one, two and three, written in the same manner, and the name of each commissioner shall be drawn in succession from one box, and a number shall at the same time be drawn from the other; and the person drawing number one shall serve one year; the person drawing number two shall serve two years; and the person drawing number three shall serve three years; and the same duty shall be performed by the said justices, immediately after the first annual election in any county hereafter to be organized. And all vacancies in any office of county com-

missioner, to be filled at any general election, which shall not result from the expiration of the term of service of a commissioner elected at a general election, shall be filled for the residue of the term for which the last incumbent, chosen at a general election, was elected. And if two commissioners are in like manner chosen to fill vacancies, their respective terms shall be determined by lot as aforesaid. And the said justices shall state in the certificate to be transmitted to the Secretary of the Territory, the terms for which county commissioners are to serve.

SEC. 9. *And be it further enacted*, That the justices of the county courts, inspectors of election, sheriff, county clerk, and clerks of election, shall each receive one dollar per day for their services under this act, to be paid out of the county treasury.

SEC. 10. *And be it further enacted*, That all persons elected under this act shall perform the same duties, be liable to the same penalties, receive the same compensation, and possess the same powers as by the present laws are provided for the offices to which they may be elected.

SEC. 11. *And be it further enacted*, That if any number of persons, greater than the number of offices to be filled, shall be equal in votes, the justices of the county courts shall determine by lot which of the said persons shall be appointed.

SEC. 12. *And be it further enacted*, That all acts coming within the purview of this act, be and the same are hereby repealed.

Approved April 21, 1825.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 279.*

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO REGULATE HIGHWAYS."

SECTION 1. *Be it enacted by the Legislative Council of the Territory of Michigan*, That the appointments of all super-

visors and overseers of highways now in office, shall cease and be determined, so soon as the commissioners of the respective counties shall have divided the townships into road districts, and shall have appointed supervisors.

SEC. 2. *And be it further enacted,* That it shall be the duty of the respective county commissioners to divide the several townships into convenient road districts, to appoint one supervisor for each of the said districts, and to give such supervisor a certificate of his appointment, which shall be evidence thereof.

SEC. 3. *And be it further enacted,* That the supervisors to be appointed under this act shall, within their respective districts, perform the same duties, possess the same powers, be subject to the same penalties and be entitled to the same compensation, as by law are provided for the supervisors of townships.

SEC. 4. *And be it further enacted,* That when any road or bridge is out of repair, it shall be lawful for the county commissioners, on their own knowledge or on the application of any person, to issue orders to the proper supervisor, to have such road or bridge repaired within a reasonable time, to be named in the order; and if within such time, such road or bridge is not properly repaired it shall be the duty of such commissioners to revoke the appointment of such supervisor, and to appoint another, and to give him the same instructions, and so to continue until the road or bridge shall be repaired. And it shall be the duty of the said commissioners to report the name of said supervisor, so neglecting his duty, to the prosecuting attorney of the county, who shall commence suit against such supervisor, before any justice of the peace, in the name of the United States; which justice shall render judgment against such supervisor, for a sum not less than thirty, nor more than one hundred dollars, upon which judgment there shall be neither appeal, stay of execution, *certiorari* nor writ of error. And the amount thus recovered shall be paid into the county treasury: *Provided,* If the said super-

visor shall make it appear to the satisfaction of the commissioners, or of the justice, that he was prevented by unavoidable accident, from repairing such road or bridge, then judgment shall be rendered in his favor.

SEC. 5. *And be it further enacted,* That any county commissioners, who shall refuse or neglect to execute any duty required by this act, shall be liable to be indicted and fined, in the proper county court: *Provided,* That such fine shall not exceed one hundred dollars.

SEC. 6. *And be it further enacted,* That all acts coming within the purview of this act shall be and the same are hereby repealed.

Approved April 21, 1825.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 289.*



## NUMBER XV.

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THE documentary material presented in this number is illustrative of the development of Local Government in the Territory of Michigan from 1826 to 1828 inclusive.

B. F. S.

AN ACT RELATIVE TO THE DUTIES AND PRIVILEGES OF TOWNSHIPS.

*Be it enacted by the Legislative Council of the Territory of Michigan,* That the inhabitants of the several townships in this Territory, who are or shall be qualified by law to vote for delegate to Congress, shall assemble together and hold township meetings in their respective townships, on the first Monday of April, in every year, and then and there choose one supervisor, one township clerk, not less than three nor more than five assessors, one collector, two overseers of the poor, and three commissioners of highways, for the same township; each of which township officers, before mentioned, shall be an inhabitant of the same township, and so many constables, fence-viewers, and pound masters, for the same township, being inhabitants of the same township, as to the electors of the same township so met, or the major part of them, shall seem necessary and convenient, and as many overseers of highways as there are road districts in each of the townships respectively; which said several officers shall hold their respective offices for one year, and until others shall be chosen and qualified in their places; and the said supervisors, township clerk, assessors, collector, overseers of the poor, commissioners of highways, and constables, shall be chosen by ballot; and in case any of the officers so chosen in any such township, shall refuse to serve, or die, or remove out of the township, or become incapable of serving before the next annual township meeting, then, and in every such case, it shall be lawful for the electors of such township to supply every such vacancy, in manner aforesaid, at a special township meeting, to be notified and held for that purpose, in the manner hereinafter directed:                   \*                   \*                   \*

SEC. 2. That for the more orderly holding the township meetings, the electors present at any township meeting, between the hours of nine and twelve o'clock in the forenoon, shall, before they proceed in the business of such meeting,



choose, *viva voce*, some fit person, being an elector, to preside at such meeting, and superintend the same as moderator, who, with the township clerk and such justices of the peace as shall be present, shall take care that the business thereof be orderly and regularly conducted, and shall, in case of dispute, determine who have and who have not a right to vote, or be elected at such meeting, according to law.

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SEC. 4. That immediately after the close of the poll, which shall not be kept open later than sunset, the judges of the election shall proceed to canvass the votes, and ascertain the persons who shall have received the greatest number of votes for the several offices created by this act, a list of which shall be recorded by the township clerk, in a book to be kept for that purpose; and it shall be the duty of the township clerk to notify the several officers of their election, within ten days after the same shall be ascertained.

SEC. 5. That no township meeting shall be held longer than one day, and shall only be held open between sunrise and sunset, and shall be held at such place in each township as the electors thereof at their township meetings shall, from time to time, appoint.

SEC. 6. That if any of the said townships shall neglect to choose such officers as aforesaid, or any of them, or in case any of the officers so chosen in and for any township shall refuse to serve, or die, or remove out of the township for which he shall be chosen, or become incapable of serving, before the next township meeting or annual election after he shall be chosen, the township for which he was chosen shall, within fifteen days next after such refusal, death, removal, or incapacity happens, choose another in the room of such person, according to law.

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SEC. 12. That the electors of each of the said townships are hereby authorized, at their respective annual township meetings, or at any other township meeting held for that pur-

pose, in their respective townships, from time to time, to make such prudential rules and regulations, as a majority of the electors of such townships respectively, so assembled at their respective township meetings, and have a right to vote there, shall, from time to time, judge necessary and convenient, to ascertain the sufficiency of all partition and other fences, and for permitting or restraining stallions, bulls, rams, boars, and hogs, going at large on the public highways, or enclosed grounds or commons, in said township, and for making and maintaining such and so many pounds, and at such places, as may be necessary and convenient, and for ascertaining and limiting the fees to be taken by the fence-viewers respectively, and to impose such penalties on the offenders against such rules and regulations, or any of them, as the majority of such electors, so assembled shall, from time to time, deem proper, not exceeding twelve dollars for each offence, to be recovered with costs of suit, by the supervisor of the township where the offence shall be committed, in the name of the supervisor of such township, for the use of the same township, by action of debt, before any justice of the peace, residing in any other township of the same county; and no such action shall be abated or discontinued by the death, or expiration of the office of such supervisor, but may be continued and prosecuted to effect by the successor in office; and all such penalties, when recovered, shall be applied for the use of the township where such offence shall be committed, in such manner and for such purposes as the electors of the same township where the offence shall be committed, or a majority of them, there assembled, shall from time to time direct and appoint: *And further,* That all such rules and regulations, so to be made as aforesaid, in each township, shall be recorded by the township clerk of the same township, in a book to be provided by him for that purpose, and shall remain in full force until the same shall be revoked or altered, or new made in the manner aforesaid, at some subsequent township meeting; all which alterations, and new rules and regulations, shall also, from

time to time be recorded as aforesaid, and shall continue in force until revoked, altered, or new made as aforesaid.

SEC. 13. That it shall be lawful for the electors of each of the said townships, at their respective annual township meetings, to make such provisions for the maintenance of their poor, and allow such reward for the destruction of wolves, bears, panthers, wild-cats, and foxes, and to direct such sums of money to be raised for those purposes, as the major part of the electors, so assembled at any such township meeting, shall deem necessary and proper.

SEC. 14. That whenever it shall be necessary to hold a township meeting in either of the said townships, for any of the purposes required by this act, at any time between any of the said annual township meetings, due notice thereof shall be given by the township clerk, in writing under his hand, specifying the time, place, and purposes of such township meeting, and fixed up at four or more of the most public places in the same township, at least eight days before the time therein appointed for holding such township meeting; and the township clerk of each of the said townships is hereby required to give such notice, whenever it shall be necessary to hold such township meeting for electing any of the officers as aforesaid in such township, or when he shall be requested to do so by any twelve or more electors of such township, and when, according to law, any such election in any township shall become necessary.

SEC. 15. That when the lands or meadows of any two persons shall join each other, each of them shall make and maintain a just proportion of the division fence between them, except such persons shall choose to let their lands or meadows lay vacant and open; and in case any disputes shall arise concerning the part or portion of the fence to be made and maintained by either party, the same shall be settled by the fence-viewers of such place where such lands or meadows shall be situated, or any two of them, whose decision shall be conclusive; and if any person shall neglect or refuse to make and

maintain his or her part or proportion of such fence, or shall permit the same to be out of repair, every such person shall be liable to and shall pay all such damages as shall accrue to his or her neighbor thereby, to be appraised by the fence-viewers of the same place, or any two of them not interested therein, and to be recovered with costs, in any court having cognizance of the same; and in case the party so neglecting or refusing should continue such neglect or refusal for the space of one month after notice and request to make and repair such fence, then, and in every such case, it shall be lawful for the party injured thereby to make or repair all the said fence, at the expense of the party so neglecting or refusing, to be recovered, with costs of suit, in any court having cognizance of the same; and in case any person who shall have made his proportion of any such fence, shall conclude or be disposed to throw up his lands or meadows for common feeding, or let the same lay open, such person shall give six months notice thereof to the person or persons in possession of the lands or meadows adjoining; and if such fence shall be removed without giving such notice, or before the expiration of the said six months, then the person removing the same shall be liable to make good all such damages as the party injured by such removal shall sustain thereby, to be recovered as aforesaid, with costs.

SEC. 16. That when any distress shall be made of any beasts doing damage, the person distraining shall, as soon as conveniently may be, and within twenty-four hours thereafter, unless the distress be made on Saturday, in which case he shall, before Tuesday morning thereafter, make application to the two nearest fence-viewers in the same township, to appraise and ascertain the damage, who shall immediately thereupon go to the place where such damage shall be committed, and view the damage done, and appraise, ascertain, and certify, under their hands, the amount thereof with their fees for the same; and if any dispute shall arise concerning the sufficiency of the fence, it shall be determined by the



same fence-viewers, whose decision shall be conclusive; and the person making the distress shall, as soon as he shall think proper, and within twenty-four hours after making such distress, unless the damage shall be sooner paid, cause the beasts so distrained to be put in the nearest pound in the same county, where they shall remain until the sum so certified by the fence-viewers, with the fees of the pound-master, shall be paid, or the beasts so impounded be replevied.

SEC. 17. That the keepers of the several pounds, and the pound-masters in each township, may take, for all beasts which shall be put into the pound of which he is the keeper or master, the following fees, to wit: for taking in and discharging every horse, gelding, mare, or colt, and all neat cattle, twelve and a half cents each, and for every sheep or lamb, three cents, and for every hog, shoat, or pig, six cents; which fees shall be paid to the said keeper or pound-master, by the owner of the beasts impounded, or some person for him, before the said beasts shall be released from such pound, unless the keeper or master of such pound shall otherwise agree concerning the same; and if the owner of any beasts impounded for doing damage shall not pay the damage, and the fees of the keeper or master of the pound, with the reasonable charges for keeping and feeding them, not exceeding, for each beast, three cents for every twenty-four hours such beasts shall be impounded and fed, within six days after such beasts shall be impounded, or replevy the same beasts, then it shall and may be lawful for such keeper or master of such pound to sell such beast at public vendue, giving at least forty-eight hours' previous notice of such sale by advertisement, to be set up at the said pound, and at the nearest public place to the said pound, and out of the monies arising from such sale to pay the said damages, and retain in his hands his fees and charges for feeding and keeping the said beasts, and of such sale, and return the overplus to the owner of the same beast, and if no such owner shall appear and claim such overplus, within six calendar months after such sale, the same shall be paid to the overseers of the poor of the township where

such beast was impounded, for the use of the poor of such township.

SEC. 18. That when any line of any township in this Territory shall intersect a farm, the possessor of such farm shall pay all his taxes for such farm in the township where his dwelling-house shall be.

SEC. 19. That whenever there are low grounds or swails, rendered unproductive by marshy or stagnant waters, which can be conveniently drained by ditching through one or more farms of adjoining improved lands, similarly situated, so as to render the whole more valuable and productive, or wherever it shall be necessary and useful to have a drain or ditch on the line between two improved farms, to render them more productive, each person interested shall make and maintain a just proportion of the cross-ditches or drains, and also the ditches or drains on the line between improved farms; and in case any dispute shall arise concerning the part or proportion of the ditches or drains to be made and maintained by either party, the course and direction of said cross-ditches or drains, or the depth or length thereof, or whether the same is necessary or useful, the same shall be settled by the fence-viewers of such place where such low grounds and farms shall be situated, or any two of them (on application of either party, and notice to the other party), whose decision shall be conclusive against all concerned; and if any person or persons shall neglect or refuse to make or maintain his, her or their part or proportion, after four weeks' notice, or shall permit the same to be out of repair, every such person or persons shall be liable to, and shall pay all such damages as shall accrue to his, her or their neighbours thereby, to be appraised and ascertained by the fence-viewers of the same township, or any two of them not interested therein, and to be recovered, with costs of suit, in any court having cognizance thereof.

Approved March 30, 1827.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 317.*

AN ACT FOR DEFRAYING THE PUBLIC AND NECESSARY CHARGES IN THE RESPECTIVE COUNTIES OF THIS TERRITORY, AND FOR OTHER PURPOSES.

*Be it enacted by the Legislative Council of the Territory of Michigan,* That the supervisors of the several townships, in each of the several counties of this Territory, shall annually, on the third Mondays of January, April, July, and October, meet together at, the court-house, if there be one, and if there be no court-house then at the place where the last county court shall or ought to have been held, and at such other times and places as they shall find convenient, not exceeding eight days in any one year, and examine, settle and allow, all accounts chargeable against such county, and ascertain what sum ought to be raised for the payment thereof, and for defraying the public and contingent expences of such county.

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SEC. 3. That the supervisors in each county shall, as often as may be necessary, employ some proper person to be their clerk, during the pleasure of said supervisors.

SEC. 4. That a majority of the supervisors of any county shall constitute a legal and competent board, to transact all business at any meeting of the said supervisors, and their doors shall be open to all citizens who may wish to attend such meeting; and all questions which shall arise at any such meeting shall be determined by the opinion of the majority of such supervisors attending the same.

SEC. 5. That all conveyances of any lands which shall be made to the supervisors of any county in this Territory, for the use of such county, shall be valid, and vest in the supervisors of such county, and their successors in office, the estate and interest intended by such conveyances, and for the use therein expressed.

SEC. 6. That the supervisors of each of the counties of this Territory shall be allowed, as a compensation for their services and expences in attending their meetings in such

county, the sum of one dollar per day, and no more, and the clerk of the supervisors in each county shall be allowed for his services, such sum as the supervisors of such county shall from time to time direct, which sums shall be raised and levied as part of the contingent charges of such county.

SEC. 7. That if any supervisor shall neglect or refuse to perform any of the duties required of him by this act, or which he shall hereafter be directed or required by law to perform, he shall, for every such offence, forfeit to the use of the same county, the sum of two hundred dollars, to be recovered with costs, in any court of record by action of debt;

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SEC. 8. That it shall be the duty of the supervisors of every county in this Territory, as often as shall be necessary, to cause the court-house and gaol of their county to be duly repaired, and for that purpose, and for the purpose of paying such sums as are now due from the several counties, they are hereby authorized and required, from time to time, to direct to be raised and levied, on the freeholders and inhabitants of their county, sufficient sums of money for such repairs and payments, not exceeding one-half of one per cent, except the county of Wayne, which shall not exceed one-fourth of one per cent in any one year; and shall also cause to be erected or prepared within the gaol of their respective counties or otherwise, so many solitary cells as the county court of such county may direct, which shall be appropriated to the reception of convicts who may be sentenced to punishment therein; and all sums necessary for any of the above purposes shall be raised, levied, and collected by the said supervisors, as the contingent charges of the said counties are directed to be raised, levied, and collected.

SEC. 9. That it shall be and may be lawful for the supervisors of each and every of the counties in this Territory, except in the counties of Chippewa, Michilimackinac, Brown and Crawford, or a major part of them, at their annual meetings, to declare whether any, and what reward shall be given



by their respective counties for the killing of any wolf or wolves, panther or panthers therein, and the said reward shall be a county charge, and assessed, raised, and levied, together with other necessary and contingent charges of the county, and shall be paid in such manner, and under such restrictions as the board of supervisors allowing the reward shall direct: *Provided*, That no reward to be allowed by any of the said board of supervisors for killing of any wolf or panther shall exceed the sum of five dollars.

SEC. 10. That the officer or officers presiding at any town meeting shall have the like authority to preserve order, to enforce obedience, and to commit for disorderly conduct, as is possessed by the board of inspectors at a general election.

SEC. 11. That the township clerk last before elected shall be the clerk of the township meeting, and shall keep a faithful account of its proceedings, in which he shall enter at length every order or direction, and all rules and regulations made by such meeting.

SEC. 12. That the account of the proceedings of every township meeting, signed by the officer or officers presiding, shall be filed in the office of the township clerk within two days after such meeting.

SEC. 13. That before the electors shall proceed to elect any township officer, proclamation shall be made of the opening of the poll, and all township officers, other than the supervisor, township clerk, assessors, collectors, overseers of the poor, commissioners of highways, and constables, shall be chosen either by ballot, by ayes and noes, or by the rising and dividing of the electors, as the meeting may determine; and when the electors vote by ballot, one ballot only shall be required, which shall contain, written or printed, or partly written or partly printed, the names of the persons voted for, and the offices to which such persons are intended to be chosen, and shall be delivered to the presiding officer or officers, so folded as to conceal the contents; and when the election is by ballot, or by ayes and noes, a poll list shall be

kept by the clerk of the meeting, on which shall be entered the name of each person whose vote shall be received; and the presiding officer or officers shall deposit the ballots in a box to be kept for that purpose; and at the close of every election by ballot, or as soon thereafter as may be convenient, the presiding officer or officers shall proceed publicly to canvass the votes; which canvass, when commenced, shall be continued, without adjournment or interruption, until the same be completed; and before the ballots are opened they shall be counted and compared with the poll list, and the like proceeding shall be had, as to ballots folded together, and as to differences in numbers, as are prescribed in "An act regulating elections."

SEC. 14. That the supervisor of each township shall receive and disburse all monies raised therein for defraying township charges, except those raised for the support of the poor; and the said supervisor shall render a just and true account of the receipt and expenditure of all monies which shall come into his hands by virtue of his office, in a book to be provided for that purpose at the expense of the township, and to be delivered to his successor in office.

SEC. 15. That on the Tuesday preceding the annual township meeting, and between the first and last Mondays of September, in each year, he shall account with the justices of the peace, and the township clerk of the township, for all monies received by him; and at every such accounting, the justices and township clerk shall enter a certificate in the supervisor's book of accounts, showing the state of his accounts at the date of the certificate.

SEC. 16. That the supervisor of each township shall attend the annual meeting of the board of supervisors of the county, and every adjourned or special meeting of such board of which he shall have notice; he shall receive all accounts against the township, and shall lay them before the board of supervisors at their next meeting; he shall also lay before the board of supervisors such copies of entries, concerning monies

voted to be raised in his township, as shall be delivered to him by the township clerk.

SEC. 17. That the township clerk of each township of this Territory shall have the custody of all the records, books, and papers of his township, and he shall deliver to the supervisor certified copies of all entries of votes for raising monies without delay, after such vote is passed.

SEC. 18. That it shall be the duty of the several constables to attend at the opening of every township meeting and election held in their respective townships; and such of them as shall be designated for that purpose by the board of inspectors, shall remain in attendance during such township meeting, and during such election and the succeeding canvass.

SEC. 19. That every sum directed to be raised for any township purpose, by the vote of a township meeting, and the allowance of the board of supervisors, is a charge on such township; and accounts for township charges of every description are to be presented to the supervisor of the township, to be laid by him before the board of supervisors of the county; and the monies necessary to defray the township charges of each township in this Territory, are to be levied on the taxable property of such township, in the manner prescribed by law.

SEC. 20. That it shall be lawful for the holder of any order or other evidence of debt, issued by the county commissioners in conformity with the several laws adopted by the Governor and Judges, to provide for the raising county rates and levies, to present the same to the board of supervisors of the county where the same was issued and payable, who shall give to the holder of such order, or other evidence of debt, a certificate of the sum due thereon, to be paid out of the county treasury, or received in payment of county taxes, in the county where the same is payable; and it shall be the duty of the board of supervisors in the several counties, to cause to be destroyed all such orders, or other evidence of debt, for which certificates shall be given, and also all such orders, certificates, and

other evidences of debt, as have been or shall be paid, or received in payment of taxes by the county treasurer.

Approved March 30, 1827.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 325.*

#### AN ACT CONCERNING SHERIFFS.

*Be it enacted by the Legislative Council of the Territory of Michigan.* That there shall be appointed, in each of the counties in this Territory, a sheriff, who shall, previous to entering upon the execution of the duties of his office, take an oath to support the constitution of the United States, and also an oath faithfully to execute the duties of the said office.

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SEC. 4. That it shall be lawful for every sheriff, who shall be appointed and commissioned, and take upon himself the office, to continue in and execute all the duties of said office, until a new sheriff shall be appointed and commissioned in his place.

SEC. 5. That the sheriff of each county in this Territory shall as soon as may be, after he takes upon himself the office, by writing under his hand and seal, make some proper person under-sheriff of the same county, during the pleasure of such sheriff; and as often as any such under-sheriff shall die, or be removed from his office, or move out of the county, or become incapable of executing the office, another shall be appointed in his place, in the manner aforesaid; and every such deputation or appointment shall be recorded in the office of the clerk of the county court of the proper county; and in case of the death of the sheriff of any county, the under-sheriff of the same county shall, in all things, execute the office of sheriff of the same county, in the name of the deceased sheriff, until another shall be appointed and commissioned, and shall take upon himself the said office; and the default and misfeazances



in office of such under-sheriff, in the meantime, as well as before, shall be adjudged a breach of the condition of the bond and security given by the sheriff who appointed him; and the executors and administrators of the deceased sheriff shall have the like remedy for the default and misfeazances in office of such under-sheriff, happening during such interval, as such sheriff would have been entitled to if he had lived, and continued in the exercise of the office until his successor was appointed and commissioned and had taken upon himself the said office; and in case there shall be no such under-sheriff of any county, at the time of the death of the sheriff of such county, or if such under-sheriff shall die or remove out of the county, or become incapable of executing the office, before another sheriff of the same county shall be appointed and commissioned, and have taken upon himself the said office, then, and in every such case, the coroner of such county shall, in all things, execute the office of sheriff of the same county, until a sheriff thereof shall be appointed and commissioned, and shall take upon himself the said office: *Provided always*, That nothing herein contained shall be construed to prevent any sheriff from appointing such and so many deputies, besides the said under-sheriff, as he may think proper: *And further*, That no person, who may be deputed by the sheriff to do a particular act only, shall be required to take the oath to be taken by the deputies of sheriffs.

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SEC. 7. That the sheriff of each of the counties in this Territory shall have the custody of the gaols and prisons thereof, and the prisoners in the same, and the same sheriffs respectively shall put in keepers thereof, for whom they will answer.

SEC. 8. That it shall be the duty of the sheriffs to keep and preserve the peace in their respective counties, and to cause all offenders against the law, in his view or within his knowledge, to enter into recognizances with surietes, for keeping the peace, and appearing at the next term of the

county court of the proper county, and to commit in case of refusal, and return said recognizance certified to the said court; and it shall also be his duty to quiet and suppress all affrays, routs, riots, unlawful assemblies and insurrections, for which purpose they are hereby empowered to call to their aid such persons or power of their respective counties as they may deem necessary; they shall also pursue, apprehend and commit to gaol all felons; they shall execute all warrants, writs, and other process which by law appertain to the duties of their office, including all warrants, writs and other process from a justice of the peace, and which shall be directed to them by legal authority, and they shall attend upon the supreme, circuit, and county courts, and in probate courts, held within their respective counties, during their session.

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Approved April 12, 1827.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 376.*

#### AN ACT FOR PROVIDING AND REGULATING PRISONS.

SECTION 1. *Be it enacted by the Legislative Council of the Territory of Michigan*, That the supervisors of the respective counties in this Territory shall, from time to time, as may be necessary, erect and keep in repair a good and sufficient gaol, and direct and order the building and repairing such gaols, at their discretion.

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Approved April 12, 1827.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 384.*

AN ACT TO REGULATE AND DEFINE THE POWERS OF JUSTICES  
OF THE PEACE AND CONSTABLES IN CIVIL CASES.

SECTION 1. *Be it enacted by the Legislative Council of the Territory of Michigan,* That all actions of assumpsit, debt, detinue, covenant, trespass on the case, assault and battery, and trespass, including trespass on any lands or other real estate, wherein the balance due or the damages or thing demanded shall not exceed one hundred dollars; and actions of replevin where the amount or thing demanded shall not exceed twenty dollars; also penalties not exceeding the said sum, imposed by any statute of this Territory; and also all sums of money not exceeding one hundred dollars, to be sued for and recovered in any court of record, by virtue of any statute of this Territory, as well by and in favor of executors and administrators, as others, and as well against attorneys and other officers of any court of justice of this Territory, except during the sittings of such court, as others, shall be cognizable before any justice of the peace of any county within this Territory; and every such justice is hereby authorized to hold a court for the trial of all such actions, and to hear, try and determine the same, according to law and equity; and is hereby vested with all such power, for the purpose aforesaid, as is usual in courts of record in this Territory, and shall sign all process to be issued by him: *Provided always,* That no justice of the peace shall have cognizance of any action, where the title to land shall in any wise come in question, except as aforesaid, or imprisonment, or of slander, or malicious prosecution, nor of matters of account, where the sum total of the accounts of both parties, proved to the satisfaction of the justice, shall in the whole amount to five hundred dollars, nor of any action to be brought against an executor or administrator for any debt or demand due from the estate of any testator or intestate.

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SEC. 13. That all sheriffs and constables shall be minis-

terial officers of justices of the peace, and when no sheriff or constable is found to serve process, the justice shall appoint a person for that purpose, who shall be entitled to the same fees and liable to the same penalties as constables.

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SEC. 15. That if any person or persons shall conceive himself or themselves injured by any judgment of any justice of the peace, except in cases where judgment has been rendered on the report of referees or arbitrators, it shall be lawful for any such person or persons to appeal to the county court of the county in which such judgment was rendered, at any time within forty-eight hours after rendering such judgment, and the party appealing shall enter into recognizance, with at least one sufficient surety, in a sum not less than fifty dollars, or in double the amount of such judgment and costs when the same shall exceed twenty-five dollars, conditioned to prosecute the appeal to judgment at the next term of the county court, and to abide the order the court may make therein; and thereupon the justice that gave such judgment shall send a transcript of his record in the case to the clerk of the county court to which such appeal is made, on or before the first day of the term next following such appeal; and the person or persons so appealing shall cause an entry of the appeal to be made by the clerk of the court on the first day of the term, and the plaintiff in the court below shall be plaintiff in the court above; and all proceedings before such justice shall cease from the time the recognizance is entered into as aforesaid: \* \* \* \*

Approved April 12, 1827.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 440.*

AN ACT FOR THE ESTABLISHMENT OF COMMON SCHOOLS.

*Be it enacted by the Legislative Council of the Territory of Michigan,* That every township within this Territory con-



taining fifty families or householders, shall be provided with a good schoolmaster or schoolmasters, of good morals, to teach children to read and write, and to instruct them in the English or French language as well as in arithmetic, orthography and decent behaviour, for such term of time as shall be equivalent to six months for one school in each year. And every township containing one hundred families or householders, shall be provided with such schoolmaster or teacher, for such term of time as shall be equivalent to twelve months for one school in each year. And every township containing one hundred and fifty families or householders, shall be provided with such schoolmaster or teacher for such term of time as shall be equivalent to six months in each year; and shall, in addition thereto, be provided with a schoolmaster or teacher as above described, to instruct children in the English language, for such term of time as shall be equivalent to twelve months for one school in each year. And every township containing two hundred families or householders shall be provided with a grammar schoolmaster of good morals, well instructed in the Latin, French and English languages, and shall, in addition thereto, be provided with a schoolmaster or teacher as above described, to instruct children in the English language, for such term of time as shall be equivalent to twelve months for each of said schools in each year.

SEC. 2. That if any township having the number of fifty families or householders, and less than one hundred, shall neglect to procure and support a schoolmaster or teacher to teach the English language as aforesaid, for the space of six months in one year, such deficient township shall incur the penalty of fifty dollars, and a penalty proportionable for a less time than six months in a year, upon conviction thereof; and upon having one hundred families or householders and upwards, shall neglect to procure and support such schoolmaster or teacher as is required to be kept by such township for the space of one year, every such deficient township shall incur the penalty of one hundred dollars, and a proportionable

sum for a less time than a year, upon conviction of such neglect.

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SEC. 4. That the inhabitants of said townships respectively shall choose a suitable number of persons within their respective townships, not exceeding five, who shall be inspectors of schools in said townships respectively; which inspectors shall examine the teachers, and approve or disapprove of the same, and also shall visit the several schools within their respective townships quarterly, or oftener if they deem it necessary; three or more of said inspectors shall be competent, both to examine the teachers and the respective schools, and no person shall be employed as a teacher in any one of the schools in any of the townships or districts in this Territory, who shall not have been previously examined by the inspectors aforesaid, and have received a certificate, signed by at least two of said inspectors, importing that he is duly qualified to teach the school for which he may be an applicant, and is of good, moral character; and it shall be the further duty of the inspectors to examine into the state of schools in their respective townships, both as it respects the proficiency of the scholars and the good order and regularity of the schools; and from time to time to give their advice; and if any person shall presume to keep such school without a certificate as aforesaid, he or she shall forfeit and pay a sum not exceeding two hundred dollars, to be recovered in any court having jurisdiction thereof, one moiety thereof to the informer and the other moiety to the use of the poor of the township where such school may be kept.

SEC. 5. That the several townships in this Territory are authorized and empowered, in township meeting to be called for that purpose, to determine and define the limits of school districts within their townships respectively, or to alter or subdivide any school districts, without changing the limits of all; and every such district shall be under the superintendence of the inspectors of the townships in which the school-house shall be situated, and numbered accordingly.

SEC. 6. That whenever any township in this Territory shall be divided into school districts, according to the directions of this act, it shall be the duty of one of the inspectors of said township, within twenty days after, to make a notice in writing, describing said district, and appointing a time and place for the first district meeting, and deliver said writing to some one of the freeholders or inhabitants liable to pay taxes, residing in said district, whose duty it shall be to notify each freeholder or inhabitant residing in said district, qualified as aforesaid, by reading such notice in the hearing of each such freeholder or inhabitant, or leaving a copy thereof at the place of his abode, at least six days before the time of such meeting; and if any such freeholder or inhabitant shall neglect or refuse to give such notice, he shall pay a fine of five dollars, to be recovered in the same manner, and for the same use as is provided in the third section of this act. Such district meeting shall have power, when so convened, by the major part of the persons so met, to adjourn from time to time, as occasion may require, and to fix on a time and place to hold their future annual meeting, which annual meeting they are hereby authorized and required to hold, and to alter, and change the time and place of holding such annual meeting, as they or a majority of them, at any legal meeting, may think proper. And at such first meeting, or at any future meeting, the said freeholders and inhabitants, or a majority of them so met, are hereby authorized and empowered to appoint a moderator for the time being, to designate a site for their school-house, to vote a tax on the resident inhabitants of such district, as a majority present shall deem sufficient to purchase a suitable site for their school-house, and build, keep in repair, and furnish it with necessary fuel and appendages; also, to choose three trustees to manage the concerns of said district, whose duty it shall be to build and keep in repair their school-house, and from time to time, as occasion may require, to agree with and employ instructors, and to pay them; also to choose one district clerk, to keep the records

and doings of said meeting, whose doings shall be good in law, who shall be qualified by oath or affirmation, as the several township clerks are; likewise one collector, who shall have the same power and authority, and have the same fees for collecting, and be subject to the same rules, regulations and duties, as respects the business of the district, which by law appertaineth to the collectors of townships in this Territory; and the said trustees, clerks and collectors shall not be compelled to serve more than one year at any one time; and it shall be the further duty of the trustees of each district, as soon as may be, after the trustees have voted a tax, to make a rate bill or tax list, which shall raise the sum voted, with four cents on a dollar for collector's fees, on all the taxable inhabitants of said district, agreeably to the levy on which the township tax was levied the preceding year, and annex to the said tax list or rate bill a warrant, \* \*

SEC. 7. That the trustees of each district, or a majority of them, whenever they shall deem it expedient, may call a special meeting of the inhabitants of said district, to transact any business which may come regularly before them: *Provided always*, That such trustees shall give five days' notice in writing to the inhabitants of said districts respectively.

SEC. 8. That every person and persons, being duly chosen and appointed as aforesaid, to serve in any of the offices aforesaid, who shall refuse to serve therein, and to take the oath (if any by law be required), to said office respectively belonging, if he be able to execute the said duties, shall pay a fine of five dollars, to be recovered before any justice of the peace, and shall be applied to the same use as is provided in the third section of this act.

SEC. 9. That the several townships within this Territory, are hereby authorized and empowered, at their annual meeting in April, to vote and raise such sums of money upon the polls and rateable estates of their respective inhabitants, for the support and maintenance of a schoolmaster or teacher within their respective townships, to teach their youth and



children to read, write, and cypher, as they, or a majority of them shall judge expedient, to be assessed by their assessors in due proportion, and be collected in like manner and at the same time, with the county and township taxes; \* \* \*

SEC. 10. That no child or children shall be denied the privilege of attending school, in any school district to be established by virtue of this act, to which such child or children do belong, for or on account of the inability of the parent or parents, guardian, or master of such child or children, to supply his, her, or their proportion of wood in such district: *Provided*, That nothing in this act shall be so construed as to prevent the trustees of any school district from enforcing payment by due process of law, to recover any sum or sums of money due from any person or persons to such district for his, her or their proportion of wood as aforesaid.

SEC. 11. That nothing in this act contained shall be so construed as to make it obligatory on any township of this Territory to employ teachers as provided by this act: *Provided*, That the electors at the annual township meeting, by a vote of two-thirds of all the electors present at such meeting, shall determine that they will not comply with the provisions of this act for that year.

Approved April 12, 1827.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 472.*

AN ACT TO DIVIDE THE SEVERAL COUNTIES IN THIS TERRITORY INTO TOWNSHIPS, AND FOR OTHER PURPOSES.

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SEC. 12. That the first township meeting, to be held pursuant to the provisions of the act entitled "An act relative to the duties and privileges of townships," be held on the last Monday of May next, anything contained in the said act to the contrary notwithstanding.

SEC. 13. That the townships in the several counties in this Territory which in this act are laid out, described, and designated, or which may hereafter be laid out and established by law, be and they are hereby declared to be bodies politic and corporate, for the purpose of enjoying and exercising the rights and privileges which are or shall be by law given to them.

Approved April 12, 1827.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 477.*

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO DIVIDE THE SEVERAL COUNTIES IN THIS TERRITORY INTO TOWNSHIPS, AND FOR OTHER PURPOSES."

SECTION 1. *Be it enacted by the Legislative Council of the Territory of Michigan*, That all that part of the county of Lenawee south of the base line, and east of the principal meridian, containing the surveyed townships numbered five, and the north half of the townships numbered six, in ranges one, two, three, four, and five, be a township by the name of Tecumseh, and that the first township meeting be held at the house of Joseph W. Brown, in said township; that the south half of the surveyed townships numbered six, in ranges one, two, three, four, five, and township numbered seven, in one, two, and three, in said county, south of the base line, and east of the principal meridian, be a township by the name of Logan, and that the first township meeting be held at the house of Darius Comstock, in said township; that the surveyed townships numbered seven, in ranges four and five, and townships numbered eight and nine, in ranges one, two, three, four, and five, in said county, south of the base line, and east of the principal meridian, be a township by the name of Blissfield, and that the first township meeting be held at the house of Harvey Bliss, in said county; and that all that

district of country situated west of said county of Lenawe, and which is attached to said county, and to which the Indian title was extinguished by the treaty of Chicago, be a township by the name of St. Joseph, and that the first township meeting be held at the house of Timothy S. Smith, in said township.

SEC. 2. That all that part of the second section of the act to which this act is amendatory, so far as it relates to said county of Lenawe, and the county attached thereto, be and the same is hereby repealed.

Approved April 12, 1827.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 587.*

#### AN ACT FOR ESTABLISHING COURTS OF PROBATE.

SECTION I. *Be it enacted by the Legislative Council of the Territory of Michigan,* That a court of probate shall be held in each of the several counties in this Territory, and there shall be some able and learned person appointed in each of the said counties as judge of the said courts respectively, for taking the probate of wills, and granting administration on the estates of persons deceased, having been inhabitants of, or residents in the same county at the time of their decease; for appointing guardians to minors, idiots, and distracted persons; for examining and allowing the accounts of executors, administrators, and guardians; and for such other matters and things as the laws of this Territory do or may direct; who shall take an oath to support the constitution of the United States of America, and faithfully and impartially to discharge the duties required of him by law; and who shall have full power and authority to make out all such process and processes as may be needful for the proper discharge of the trust reposed in him; and all sheriffs and constables are required to serve and execute all legal warrants, summons, or other process to them

directed, within their respective counties by any judge of probate; and such judge shall have authority to punish for contempt of authority in any case or hearing before him, in like manner as such contempt of authority in any case or hearing before him, in like manner as such contempt of authority in any county court in this Territory may or can, by law, be punished.

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SEC. 3. That the Supreme Court of the Territory shall be the Supreme Court of probate, and shall have appellate jurisdiction of all matters determinable by the judges of probate in their respective counties; and all appeals from any order or decree of any judge of probate shall be made to the said court accordingly; and the said Supreme Court shall have cognizance in the first instance of all matters wherein the judges of probate of any county is a party, or interested.

SEC. 4. That any person aggrieved at any order, sentence, decree or denial of any judge of probate, in any county within this Territory may appeal therefrom to the Supreme court aforesaid: *Provided,* \* \* \* \*

Approved April 12, 1827.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 485.*

#### AN ACT TO REGULATE HIGHWAYS.

*Be it enacted by the Legislative Council of the Territory of Michigan,* That it shall be the duty of the commissioners of highways in the several townships in this Territory, to give directions relative to the repairing of the roads and bridges within the townships for which they are respectively elected; to regulate the roads already laid out, and to alter such as they, or a majority of them, shall conceive inconvenient; to cause such roads as are not already described and recorded to be ascertained, described and entered of record in the



township clerk's office; to cause to be kept in repair the highways and bridges erected, or which may be erected over streams intersecting highways; to require the overseers, from time to time, and as often as they shall deem necessary, to warn the people assessed to work highways, to come and work thereon with such implements, carriages, cattle and sleds, as the said commissioners, or any one of them, shall direct; and shall have full power and lawful authority, under the restrictions hereinafter mentioned, to lay out, on actual survey, such new roads in the several townships as they may deem necessary and proper, and to discontinue such old roads and highways as shall appear to them, on the oaths of twelve freeholders of the same township, to have become useless and unnecessary: *Provided*, That the course and distance of the commencement and termination of all roads to be hereafter laid out and established, shall be ascertained from the nearest corner or quarter-section stake.

SEC. 2. That the commissioners of the respective townships, or the major part of them, shall annually, at least ten days before the annual township meeting, if they shall judge the same necessary, by writing under their hands, to be lodged with the township clerk, and by him to be entered in the township book, divide the respective townships into as many road districts as they shall judge convenient, and to assign to each of the said road districts such of the inhabitants, liable to work on highways, as they shall think proper, having regard to proximity of residence, as much as may be.

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Approved April 12, 1827.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 495.*

#### AN ACT CONCERNING CORONERS.

SECTION 1. *Be it enacted by the Legislative Council of the Territory of Michigan,* That a coroner shall be elected in

each of the counties of this Territory, who, previously to entering upon the execution of the duties of his office, shall take an oath to support the constitution of the United States, and also an oath of office.

SEC. 2. That every person hereafter to be elected to the office of coroner of any county in this Territory, before he be permitted to execute the duties of said office, shall enter into bond to the United States, in the penal sum of two thousand dollars, in the same manner, and the same proceedings shall take place, upon any breach of such bond, as are or may be provided in the case of sheriffs.

SEC. 3. That whenever the office of sheriff shall become vacant in any county, either by death, resignation, or otherwise, and there shall be no under-sheriff therein, the coroner of such county shall perform the same duties, be vested with the same powers, and liable to the same fines, penalties, and other proceedings, as are or may be provided by law in the case of sheriffs, during such vacancy; and in case the sheriff, for any cause, shall be committed to gaol, the coroner shall, by himself or by his deputy, be keeper of the gaol during the time the sheriff shall remain a prisoner.

SEC. 4. That every coroner shall execute process of every kind, wherein the sheriff or either of his deputies, or the under-sheriff, may be a party or interested in the suit, or when or where, from any other just cause, the sheriff is rendered incapable of executing the same.

SEC. 5. That every coroner shall, upon view of the body, take inquests of deaths in prison, and of all violent, sudden or casual deaths within the county, and the manner of such deaths.

SEC. 6. That it shall be the duty of every coroner to go to the place where any person be slain, or suddenly dead or wounded, and forthwith to command twenty-four good and lawful men of his county, to appear before him at such place therein as he shall appoint, and upon their oaths, or the oaths of any twelve or more of them, and upon view of the body of

any person slain, or suddenly dead, and proof of witnesses, to inquire how and in what manner, and when, and where, such person was slain or died, and who such person was, and of all the circumstances attending such death, and who were guilty thereof, either as principal or accessory, and in what manner; and to take and commit every one found guilty, and also every one suspected of the death of every person, or of doing hurt to any person so as to endanger life, to the gaol of such county, and to make the like inquiry of persons who shall die in prison, or be killed by misfortune.

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Approved April 12, 1827.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 565.*

AN ACT TO ABOLISH THE BOARD OF COUNTY COMMISSIONERS  
WITHIN THE SEVERAL COUNTIES OF THIS TERRITORY.

SECTION 1. *Be it enacted by the Legislative Council of the Territory of Michigan,* That the act entitled "An act to provide for the appointment of county commissioners, and for raising county rates and levies," made, adopted, and published, at the city of Detroit, the eighth day of May, one thousand eight hundred and twenty, and all appointments made under and by virtue of said act, be and the same are hereby repealed: *Provided,* That such repeal shall not operate to affect any taxes, fines, penalties, and forfeitures, assessed, levied, or incurred by virtue thereof, previous to the first Monday of March, one thousand eight hundred and twenty-seven; but the same shall be collected, recovered, paid over, and accounted for, in the same manner as though this act had not passed.

SEC. 2. That all duties heretofore required by any law of this Territory, except the duties required by the above recited act, to be performed by the county commissioners, shall here-

after be performed by the supervisors of the several counties of this Territory.

SEC. 3. That this act shall take effect and be in force immediately after its passage, so far as relates to the power of county commissioners to levy and collect taxes for the year one thousand eight hundred and twenty-seven, and also to repeal any power of the sheriff, or any other assessor or assessors, to assess or take a list of taxable property in the several counties of this Territory; and the residue of the act shall take effect and be in force from and after the last Monday in May next.

Approved April 12, 1827.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 583.*

AN ACT TO DEFINE THE DUTIES OF COUNTY TREASURERS.

*Be it enacted by the Legislative Council of the Territory of Michigan,* That a county treasurer shall be hereafter elected in each of the counties in this Territory, who shall take an oath faithfully and impartially to execute the duties of his office, and shall give bond, with sureties, to the satisfaction of the supervisors of such county, conditioned for the faithful execution of the duties of his office, and to account for all moneys which may come into his hands, in pursuance thereof, and that he will deliver to his successor in office all books of entry, papers, documents and other things which he may have or hold in right thereof, and pay him the balance of all monies due to the county.

SEC. 2. That it shall be the duty of the treasurer to receive all monies due and accruing to the county, and pay and disburse the same for the discharge of the debts of the county, on warrants drawn by order of the supervisors of the proper county; and the treasurer shall keep a just and true account of all monies received and disbursed, and hold and keep the



same at all times ready for the inspection of the said supervisors; and shall, once in three months, furnish the said supervisors with a statement thereof, balanced to the day when such statement is furnished, shewing all the monies received and disbursed during the preceding term, and the balance remaining in his hands, together with the names of the collectors in whose hands are any arrearages of taxes, and the amount thereof; and shall annually, on the third Monday of April, produce his vouchers to the said supervisors, and settle his accounts; and the said supervisors shall allow the treasurer so much per cent. on all monies received and paid by him, as they shall, from time to time, deem sufficient for his services, not exceeding four per cent on all monies so received and paid out.

Approved April 12, 1827.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 586.*

#### AN ACT FOR THE RELIEF AND SETTLEMENT OF THE POOR.

*Be it enacted by the Legislative Council of the Territory of Michigan,* That every township in this Territory shall support and maintain their own poor.

SEC. 2. That every person who shall have come to inhabit in any township within this Territory, and shall actually and *bona fide* have rented and occupied a tenement, of the yearly value of thirty dollars or upwards, for two years, and actually paid such rent, or shall, for himself, or on his own account, have executed any public annual office or charge, in such township, during one whole year, or who shall have been charged with and paid his or her share towards the public taxes of such township, for the space of two years; and every person who shall have been bound an apprentice or servant, by indenture, or by a deed, contract, or writing, not indented, and shall, in consequence of such binding, have served a term

not less than two years in any township, shall be deemed and adjudged to have obtained a legal settlement in such township; and all mariners coming into this Territory, and having no legal settlement in the same, or in any of the United States of America, and every other healthy, able-bodied person, coming directly from some foreign part or place into this Territory, shall be deemed and adjudged to be legally settled in the township in which he or she shall have first resided for the space of one year: *Provided*, That the assessment and performance of labor on any highway, in any township, shall not be considered a tax within the meaning of this act.

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Approved April 13, 1827.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 595.*

#### AN ACT TO PROVIDE FOR THE ELECTION OF CORONERS AND COUNTY TREASURERS.

*Be it enacted by the Legislative Council of the Territory of Michigan,* That hereafter one coroner and one county treasurer shall be elected in each of the organized counties in this Territory, in the respective townships in each county, and such election shall be held at the annual township meetings in May, and the same officers and persons who are by law made inspectors of the election for township officers, shall be inspectors of the election of coroner and county treasurer, and shall possess the same powers, take the same oath, be subject to the same penalties, and in all things conduct the proceedings of the same, and make and certify the returns of the election in each township, as nearly as may be, agreeably to the laws providing for the election of township officers.

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SEC. 3. That all coroners and county treasurers hereafter elected shall hold their office for the term of three years, and

until their successors are chosen and qualified; and whenever any new county shall be hereafter organized, the first election for coroner and county treasurer shall be at the first township meeting in May, after the organization of such new county.

SEC. 4. That if any two or more persons shall receive an equal number of votes for the office of coroner, or for the office of county treasurer in any county, the said justices shall determine, by lot, which of the said persons shall be elected.

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Approved April 13, 1827.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 608.*

AN ACT CONCERNING THE SUPREME, CIRCUIT, AND COUNTY COURTS OF THE TERRITORY OF MICHIGAN, DEFINING THEIR JURISDICTION AND POWERS, AND DIRECTING THE PLEADINGS AND PRACTICE THEREIN, IN CERTAIN CASES.

SECTION 1. *Be it enacted by the Legislative Council of the Territory of Michigan,* That the Supreme Court of this Territory, consisting of three judges appointed and commissioned by the President of the United States, shall have power to hear and determine all questions of law which may arise in the circuit courts hereinafter mentioned, upon motion for a new trial, in arrest of judgment, or in cases reserved by the said circuit court; and writ of error shall lie from the said Supreme Court to the circuit and county courts; and in all cases determinable in the said Supreme Court, other than cases determined upon motion for a new trial, in arrest of judgment, or upon cases reserved, judgment shall be given and execution awarded in the said Supreme Court; which said Supreme Court shall hereafter be holden at the city of Detroit, in the county of Wayne, on the first Monday in December, and the first Monday in May in every year, and shall be holden so many days as shall be deemed necessary

by the court, for the convenient transaction of business thereof.

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SEC. 20. That nothing in this act contained shall be so construed as to abolish or abrogate the several county courts heretofore established, or to effect the tenure of office of the justices or other officers thereof, but the same courts shall remain established in the several counties of this Territory; and any one of the justices thereof, in the absence of the others, or where they are interested, shall form a quorum; and the said court shall have original jurisdiction in all civil cases where the sum demanded or matter in dispute is not within the jurisdiction of a justice of the peace, and does not exceed the sum of one thousand dollars, and appellate jurisdiction from any judgment or decision rendered or given by justices of the peace, in their respective counties, in cases authorized by law; *And furthermore,* That the said county court shall have cognizance of all crimes and offences, the punishment whereof is not capital, concurrent with the circuit courts, and shall have the same power to issue remedial and other process (writs of error and *mandamus, quo warranto* and prohibition excepted), as the Supreme Court may have; and either of the justices of said courts, in vacation, shall, on good cause shown, have power to allow writs of *supercedeas*, and also to grant writs of *habeas corpus ad subjiciendum*.

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Approved April 13, 1827.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 620.*

AN ACT AMENDATORY TO CERTAIN ACTS RELATIVE TO THE DUTIES AND PRIVILEGES OF TOWNSHIPS, AND FOR OTHER PURPOSES.

*Be it enacted by the Legislative Council of the Territory of Michigan,* That the supervisors of the several counties of



this Territory shall have one annual meeting on the first Tuesday of October in each year, to provide for the assessment and collection of taxes, and to examine and settle the claims chargeable against their respective counties; and they shall likewise meet on the first Monday of March in each year to settle with the treasurers of their several counties; *Provided*, That the whole time, inclusive, at each and every meeting in any one year, shall not exceed eight days: *Provided also*, That this section shall not apply to the county of Wayne, until the first Tuesday in October, 1829.

SEC. 2. That the supervisors, in the assessment and rate of taxes, shall not exceed in any one year one-half of one per centum, and in the counties of Wayne and Monroe, shall not exceed one-fourth of one per cent, which per cent shall be the greatest and highest rate that can be levied for all purposes whatsoever.

SEC. 3. That the supervisors shall not issue any orders upon the treasuries of their respective counties, in favor of any person or persons who may be indebted or in default to the county; but the amount of said account, when audited or allowed, shall be placed to the credit of said person or persons, on the books of the treasurer as a set off.

SEC. 4. That the election for township officers shall be hereafter on a separate ballot for each township officer, or such other method as a majority of the electors may determine; and that no township meeting shall be held in a tavern, after the next annual meeting thereof, but that the same shall be held at such other place as the inhabitants shall designate.

SEC. 5. That every person subject to work on highways shall have the privilege of commutation, at sixty-two and a half cents per day; and if any overseer of highways shall neglect his duty, disobey the directions of the said commissioners, or a majority of them, or be guilty of malfeasance in office, it shall and may be lawful for the said commissioners, or a majority of them, to remove such overseer from office, and appoint another in his place, until another is elected.

SEC. 6. That so much of the tenth section of the act to regulate highways, as requires overseers of highways to give notice, by advertisement in some public paper, be and the same is hereby repealed.

SEC. 7. That any person owning lands or other property upon any of the islands within the limits of the Territory of Michigan, on which public roads are laid out, shall have the right to work the assessment for highway taxes, upon the islands where such property is situated.

SEC. 8. That it shall be the duty of the commissioners of highways to put up, in some public place in the township in which they are elected, an accurate description of all the non-resident lands on which highway taxes are levied, and if such taxes are not paid annually, the commissioners shall return such accurate description to the treasurer of the county; and that the lands thus taxed shall be liable in the same manner, and under the same penalties as lands are for the county taxes.

SEC. 9. That the commissioners of highways shall account annually (on Tuesday preceding each annual township meeting), with the justices and township clerk, for monies received for taxes on non-resident lands.

SEC. 10. That it shall be the duty of the supervisor, justices of the peace, and township clerk, in the respective townships, to audit, examine and settle, all the claims against the respective townships, annually on the last Tuesday in September (except in the townships of St. Mary, Holmes, Michilimackinac, Green Bay, and St. Anthony), and such claims or demands, thus audited and allowed, shall be received in payment of township taxes.

SEC. 11. That the treasurers of the different counties shall receive such commission on all monies actually paid into the treasury (not exceeding three per centum), as a majority of the supervisors may determine.

SEC. 12. That it shall not be lawful to assess any person to work on the highways, who may be fifty years of age, or incapacitated from working on the roads from bodily infirm-

ities: *Provided*, That this act shall not exempt the property of such person from assessment.

SEC. 13. That so much of the third section of the act of which this is amendatory as allows one dollar per day to the overseer of highways for the excess of days which he is assessed, be repealed, and that seventy-five cents per day be paid for such excess, and no more.

SEC. 14. That the annual election for township officers, within and for the township of Holmes, in the county of Michilimackinac, and the township of St. Marie, in the county of Chippewa, shall be hereafter held on the first Monday of May in each year.

SEC. 15. That whenever the owner of any stallion, or other animal prohibited from going at large in any township, be not known, or cannot be found, that it shall and may be lawful for any person taking up such stallion, or other animal, to place him in the nearest pound of the said township, and it shall be the duty of the keeper of the said pound forthwith to advertise the said stallion, or other animal, by posting up advertisements in at least three of the most public places within the same, or in any newspaper printed in the county in which such township is situated, describing the marks and age of said stallion, or other animal, twenty days, and notifying all whom it may concern that if the owner does not appear to claim the said stallion, or other animal, before the expiration of the said twenty days, the said stallion, or other animal shall be sold by the said pound keeper to the highest bidder, the time and place of sale being also mentioned in the said advertisement; and the money arising from such sale, after deducting the penalty and fees of the said pound keeper, shall be paid into the hands of the supervisor of the said township, for the use of the owner of such stallion, or other animal; but should no owner appear before the lapse of six months from such sale, the supervisor to pay over said money to the overseers of the poor of the township whereof he is supervisor, for the use of the poor thereof.

SEC. 16. That when a majority of the qualified electors in the township of Holmes, at any annual township election hereafter to be held, shall deem it unnecessary to fill all the offices for any one year, required by the act entitled "An act relative to the duties and privileges of townships," then, in such case, they shall be at liberty to fill such offices, and elect such number of persons to the same, as they may deem necessary and expedient, any thing in said act to the contrary notwithstanding.

SEC. 17. That all acts and parts of acts contravening this act, be and the same are hereby repealed.

Approved June 30, 1828.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 688.*



## NUMBER XVI.

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THE documentary material presented in this number is illustrative of the development of Local Government in the Territory of Michigan from 1829 to September 6th, 1834, inclusive.

B. F. S.

AN ACT TO PREVENT JUSTICES OF THE PEACE FROM KEEPING  
TAVERNS, AND FOR OTHER PURPOSES.

*Be it enacted by the Legislative Council of the Territory of Michigan,* That it shall not be lawful for any justice of the peace to hold the trial of any cause, or have any proceeding as a justice of the peace, in any bar-room or grocery.

SEC. 2. That from and after the second Monday of November next, no person, who is a justice of the peace, shall be licensed to keep a tavern, nor shall any license of any person who is a justice of the peace be renewed while holding such office: *Provided,* That this section shall not apply to the counties of Wayne, Macomb, and St. Clair.

Approved July 3, 1828.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 697.*

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AN ACT TO ORGANIZE THE COUNTY OF IOWA, AND FOR OTHER  
PURPOSES.

*Be it enacted by the Legislative Council of the Territory of Michigan,* That from and after the first day of January next ensuing all that part of the county of Crawford to which the Indian title has been extinguished, and embraced within the following boundaries, namely, beginning at the mouth of Ouisconsin River, and following the course of the same, so as to include all the islands in said river, to the portage between the said Ouisconsin and the Fox River, thence east until it intersects the line between the counties of Brown and Crawford, as established by the proclamation of the Governor of this Territory, bearing date the twenty-sixth day of October, one thousand eight hundred and eighteen, thence south with said line to the northern boundary of Illinois, thence west with said boundary to the Mississippi River, thence up said river, with the boundary of this Territory, to the place of beginning, shall form a county, to be called the county of Iowa.



SEC. 2. That Samuel W. Beale and Lewis Grignon, of the county of Brown, and Joseph M. Street of the county of Crawford, are hereby appointed commissioners to fix the seat of justice of said county of Iowa, and they are required to perform the said duty on or before the first day of January next ensuing, at such place within said county, as to them may seem best calculated for the public interest, being first sworn to the faithful discharge of that trust; and so soon as they shall have come to a determination, the same shall be reduced to writing, and filed with the clerk of said county, whose duty it shall be to record the same, and the place thus designated shall be considered the seat of justice of said county.

SEC. 3. That the commissioners appointed by the last preceding section of this act, shall be entitled to receive the sum of two dollars and fifty cents each per day, for every day necessarily employed by them in the execution of the duty aforesaid; to be paid out of the first moneys that may come into the treasury of said county.

SEC. 4. That in the event of the said commissioners being prevented, from any cause whatever, from performing the duty required of them by this act, then in that case, the seat of justice is hereby temporarily established at Mineral Point, in said county.

SEC. 5. That there shall be two terms of the county court of said county, annually; the first term shall commence on the first Monday of June, and the second term shall commence on the first Monday of December, in each and every year.

SEC. 6. That the taxes authorized by the act entitled "An act to regulate the assessment and collection of territorial taxes," approved December thirty, one thousand eight hundred and twenty-six, are hereby remitted in favor of said county of Iowa, and the collection and disbursement of the same shall be conformable to the provisions contained in the eighth section of the said act.

SEC. 7. That all suits, prosecutions, and other matters,

now pending in the circuit court of the United States for the county of Crawford, or before the county court of said county, or before any justice of the peace within the same, shall be prosecuted to final judgment and execution, and all taxes heretofore levied, and now due, shall be collected in the same manner as if the said county of Iowa had not been organized.

Approved October 9, 1829.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 714.*

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AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PREVENT JUSTICES OF THE PEACE FROM KEEPING TAVERNS, AND FOR OTHER PURPOSES."

*Be it enacted by the Legislative Council of the Territory of Michigan,* That the second section of the act to which this is an amendment, be and the same is hereby repealed.

Approved October 29, 1829.

—*Reprinted from Laws of the Territory of Michigan, Vol. II., p. 735.*

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AN ACT TO AUTHORIZE THE ESTABLISHMENT OF POOR HOUSES.

*Be it enacted by the Legislative Council of the Territory of Michigan,* That the board of supervisors of each and every county in this Territory, shall be and are hereby authorized to erect and establish poor houses within their respective counties, whenever, in their opinion, such a measure will be proper and advantageous, and for that purpose it shall be lawful for the said boards of supervisors to purchase such lot or tract of land (not exceeding one-fourth of a section) as they may judge necessary for the accommodation of the institution: *Provided,* That if the board of supervisors of any county shall think proper to purchase land, and erect a county poor house and other necessary buildings under the provisions of

this act, the expense of such purchase and erection shall be defrayed by a tax levied on the objects of county taxation, for that express purpose; which tax shall be levied and collected, and paid over in the same manner that other county taxes are.

SEC. 2. That so soon as the board of supervisors shall have completed a house as aforesaid, for the reception of the poor, and yearly and every year thereafter, it shall be the duty of the said board to nominate and appoint not less than three nor more than seven discreet and judicious persons, inhabitants of their county, who shall form a board of directors to take charge of and manage the affairs of the said poor house. The board of directors shall continue in office one year, and until their successors are nominated and appointed, and they shall, at their first meeting, elect a president and secretary of their own body, whose duty may be prescribed and defined by the board.

SEC. 3. That the board of directors, or a majority of them, shall form a quorum to transact business, and shall be a body corporate and politic, with perpetual succession, and shall be known by the name of the board of directors of the poor house of ——— county (inserting the name of their county), and by that name they may sue and be sued, defend and be defended, in any court within this Territory. They may have a common seal, which they may alter or change; may make all such contracts and purchases as may be necessary for the institution; and may prescribe such rules and regulations as they shall think proper for the management and good government of the same, and for introducing the practice of sobriety, morality, and industry among its inhabitants; they shall meet quarter yearly, at such place as they may agree on; and the president, with the consent of any two members of the board, may call a meeting at any time, subject, however, to such regulations and provisions as may be made by any future act of the Legislature of this Territory.

SEC. 4. That the board of directors shall appoint a superintendent, who shall reside in some apartment of the poor

house, or other building contiguous thereto, and shall receive such compensation for his services, perform such duties, and give such security for their faithful performance, as the board shall judge proper. He shall be governed in all respects by the rules and regulations of the board, and may be removed by them at pleasure. He may require all persons received into the poor house to perform such reasonable and moderate labor as may be suited to their age or sex and bodily strength, the proceeds of which shall be applied to the use of the institution, in such manner as the board of directors may point out. The superintendent shall receive into the poor house any person who shall produce to him such an order or voucher as is, or may be required by the laws of this Territory, to entitle such person to be received and supported as a pauper; and he shall enter in his book the name and age, as near as may be, of every person received into the poor house, together with the day on which such person was received.

SEC. 5. That the board of directors shall cause the poor house to be visited at least once in every month by a committee of their own body, which committee shall carefully examine the condition of the paupers, the manner in which they are fed, clothed, and otherwise provided for and treated. They shall ascertain what labor they are required to perform, and shall inspect the books and accounts of the superintendent, and make report at the next meeting of the board; and the board shall yearly, and every year report to the board of supervisors of the county, the state of the institution, with a full and correct account of all their proceedings, contracts, and disbursements; and the expense of establishing and supporting the institution shall be paid on the order of the board of supervisors, out of any money in the county treasury not otherwise appropriated: *Provided always*, That when any township shall send paupers to such county poor house, it shall be the duty of the board of such township directors to pay to the board of county directors, established by this act, an equal share of the expenses for the maintenance of such



paupers in the county poor house, in proportion to the number that such township may send, that properly form a township charge in conformity to the existing laws; but nothing herein shall preclude the said boards of township directors from sending county paupers to such poor house at the expense of the county.

SEC. 6. That this act shall take effect from and after its passage.

Approved July 22, 1830.

—*Reprinted from Laws of the Territory of Michigan, Vol. III., p. 822.*

AN ACT CONCERNING THE COUNTIES OF MICHILIMACKINAC,  
BROWN, CRAWFORD, CHIPPEWA, AND IOWA.

*Be it enacted by the Legislative Council of the Territory of Michigan,* That the counties of Chippewa and Iowa are hereby excepted from the operation of so much of any law of this Territory as requires that freehold security shall be given for any purpose whatsoever, or that an estate of freehold shall be a necessary qualification for office, or for the performance of any duties required by any law of this Territory.

SEC. 2. That the counties named in the title of this act are hereby excepted from the operation of so much of any law of this Territory, as requires sureties of sheriffs and coroners to swear that they are respectively worth their proportion of the sum named in the bond of any sheriff or coroner, over and above all debts owing by them.

SEC. 3. That until the necessary public buildings are erected at the county seat of the county of Iowa, it shall be competent for the judges of the county court of said county, or a majority of them, to order the sitting of said court at such place within said county as to them may seem most convenient for the public interest.

SEC. 4. That whenever any township within the county of

Iowa shall fail to organize in the manner prescribed by law, then and in that case it shall be competent for the supervisors of said county, or a majority of them, and they are hereby authorised and required by a resolve of their board, to annex such township to any of the organized townships of said county as to them may seem meet and proper, and such township shall remain annexed as aforesaid, until it is organized according to law.

SEC. 5. That whenever the supervisors of any county aforesaid shall refuse or neglect to provide a sufficient and secure gaol for the confinement of prisoners, or where they shall fail to direct the necessary measures for the preservation of the health of the prisoners when confined in gaol, then and in that case it shall be the duty of the sheriffs in their respective counties, and they are hereby authorised, with the approbation of a majority of the judges of the county court, or of the judge appointed by the President of the United States for the western district, to employ such means for the safe keeping of all persons committed to their custody either by repairs to the gaols, or by confinement within some secure place, within their respective counties; and also in their discretion to provide for the health of the prisoners as aforesaid.

SEC. 6. That when any expense shall be incurred by the sheriffs in the performance of any duty prescribed in the last preceding section of this act, the same shall be paid out of the county treasury, on the order of the supervisors.

SEC. 7. That until a treasurer shall be elected for the county of Iowa, all bonds or other securities which are required to be approved by and filed with the treasurer, shall be approved of by the justices of the county court, and remain with said justices until a treasurer be appointed as aforesaid.

SEC. 8. That the supervisors of the counties aforesaid may, at their discretion, authorise the sheriffs of their respective counties to employ the convicts sentenced to hard labor, to be employed on the public highways, or on the public

buildings in said counties, under such restrictions as to them may seem best calculated to promote the public interest, to prevent the escape of such convicts while employed as aforesaid.

Approved July 28, 1830.

—*Reprinted from Laws of the Territory of Michigan, Vol. III., p. 831.*

#### AN ACT CONCERNING TOWNSHIP CLERKS.

*Be it enacted by the Legislative Council of the Territory of Michigan,* That it shall be lawful for each township clerk to appoint a deputy, whose duty it shall be to attend to and perform the duties of township clerk in case of the absence, sickness, or death of the clerk.

SEC. 2. That each deputy township clerk shall take the same oath, be under the same penalties, enjoy the same privileges, and for his services receive the same compensation, as by law are required of, or allowed to the township clerk.

Approved February 25, 1831.

—*Reprinted from Laws of the Territory of Michigan, Vol. III., p. 868.*

#### AN ACT TO AMEND "AN ACT TO PROVIDE FOR AND REGULATE COMMON SCHOOLS," APPROVED NOVEMBER FIFTH, ONE THOUSAND EIGHT HUNDRED AND TWENTY-NINE.

*Be it enacted by the Legislative Council of the Territory of Michigan,* That there shall be elected in each of the organized townships of this Territory, at their next annual township meeting, and once in every three years thereafter, or as often as there shall be a vacancy, three commissioners of common schools, who shall hold their office for three years, and until others are elected and qualified in their room.

SEC. 2. That it shall be the duty of the township clerks

of the several townships, within three days after such election, to notify such commissioners of their election, who shall, within seven days thereafter, take and subscribe the following oath, to wit: I, A B, do solemnly swear (or affirm) that I will faithfully and impartially do and perform the duties of a commissioner of common schools for the township of \_\_\_\_\_, during my continuance in office. And it shall be the duty of every such commissioner, within ten days from his election, to deliver to the township clerk of the township for which he is elected, the oath subscribed as aforesaid, which shall be, by the clerk, put on his file in his office.

SEC. 3. That the said commissioners, after taking and subscribing the oath as aforesaid, shall do and perform, all and singular, the duties which commissioners of common schools by the act to which this act is amendatory are required to do and perform, and shall receive for their service such sum as the township board of their respective townships shall allow, not exceeding one dollar per day.

SEC. 4. That the commissioners of common schools who have been elected and taken the oath as aforesaid, or who shall hereafter be elected and qualified, shall have power, and it shall be their duty, to protect from waste and injury, sections numbered sixteen in their several townships, and are hereby authorized and empowered to lease the same, for not exceeding three years, or to manage and conduct the same in any other way they shall consider best calculated to enhance the value thereof, and to apply the proceeds of the same to the support of common schools.

SEC. 5. That in any case where a commissioner of common schools, after being duly elected, shall neglect or refuse to perform the duties incumbent upon him as such commissioner, he shall forfeit and pay the sum of twenty-five dollars, to be sued for and collected by the supervisor of such township, with costs of suit, in an action of debt, which sum when recovered, shall be applied for the support of common schools, in the township in which such commissioner was elected.



SEC. 6. That all and every person or persons who have heretofore, or shall hereafter, be set off from any school district, organized in conformity to the provisions of an act to regulate common schools, approved November five, one thousand eight hundred and twenty-nine, and who have been assessed, and have paid, or shall hereafter be assessed and pay any tax for the building of any school house, in the district from which he hath or shall hereafter be removed or set off, shall be and they are hereby exempted from the payment of any tax hereafter assessed upon his, her, or their property, for the building of any school house in such district, for the term of three years from and after the payment of any tax above mentioned, any law to the contrary notwithstanding.

SEC. 7. That the directors of the several school districts in this Territory be, and they are hereby authorized and empowered to hold any lands or other real estate by lease for a term of years, and the inhabitants of any school district or districts in this Territory, where the directors of the same do now, or shall hereafter, hold or possess any lands or other real estate, by lease for a term of years, be and they are hereby authorized to hold elections for the choice of officers, and levy and collect the taxes in the same manner as if they held by deed in fee simple.

SEC. 8. That the annual district meeting, in all the school districts in this Territory, shall be hereafter held on the first Monday in November, in each and every year, any law to the contrary notwithstanding.

SEC. 9. That all acts and parts of acts contravening the provisions of this act be, and the same are hereby repealed.

Approved June 29, 1832.

—*Reprinted from Laws of the Territory of Michigan, Vol. III., p. 949.*

AN ACT TO PROVIDE FOR DEFRAYING THE PUBLIC AND NECESSARY EXPENSES IN THE RESPECTIVE COUNTIES OF THIS TERRITORY, AND FOR OTHER PURPOSES.

SECTION 1. *Be it enacted by the Legislative Council of the Territory of Michigan,* That the supervisors of the several towns in each of the several counties of this Territory shall, annually, on the first Tuesdays of October and March, meet together at the court house, if there be one, and if there be no court house, then at the place where the last county court shall or ought to have been held, and at such other times and places, as they shall find convenient, not exceeding eight days at each meeting, as they may deem expedient for the purposes of their appointment, and examine and settle and allow all accounts chargeable against such county, and ascertain what sum ought to be raised for payment thereof, and for defraying the public and contingent expenses of such county.

SEC. 2. That a majority of the supervisors of any county shall constitute a legal and competent board, to transact all business at any meeting of the said supervisors; and their doors shall be open to all citizens who may wish to attend such meeting; and all questions which shall arise at any such meeting shall be determined by the opinion of the majority of such supervisors attending the same.

SEC. 3. That the supervisors in each county shall, as often as may be necessary, employ some proper person to be their clerk, during their pleasure, and allow him such compensation for his services as they shall think reasonable.

SEC. 4. That all conveyances of any lands, which shall be made to the supervisors of any county in this Territory, for the use of the county, shall be valid, and vest in the supervisors of such county, and their successors in office, the estate and interest intended by such conveyances, and for the use therein expressed.

SEC. 5. That the supervisors of each of the counties of this Territory shall be allowed as a compensation for their

time, services, and expenses, on account of attending on any meeting of the board, the sum of one dollar per day each, and no more, to be paid out of the county treasury, as other contingent county expenses are paid.

SEC. 6. That the compensation for the services of all assessors, inspectors of elections, and commissioners of highways, for services rendered in their respective towns, shall be considered a town charge, and be audited by the town boards respectively; and the said supervisors, at the meeting of their boards on the first Tuesday in October in each year, shall ascertain, as near as may be, the necessary amount for defraying the public and necessary charges of their respective counties, and apportion the same to their several towns, according to the value of real and personal estates therein, as valued by the assessors of each town in the same year; and to such sum add such other sum or sums as shall be found by the said supervisors necessary to defray said town expenses, including what shall have been voted by any of the said towns for the destruction of noxious animals, and the maintenance of the poor, all of which shall be levied and collected with what is raised for the contingent expenses of the respective counties, as is or shall be by law directed; and the said supervisors shall, in their warrant to the collector of each respective town, direct such collector to pay the sum so raised and collected for the town expenses into the hands of the supervisor of such town, for the payment of the said town expenses, who shall for such money account with the justices of the peace and town clerk on or before the Tuesday preceding the first Monday in April in each year; and they shall also direct, that out of the first money which shall be collected, such collector shall pay to the director of the poor such money as shall be raised for the maintenance of the poor of such town, and the residue of the money so collected by him, to the county treasurer, on or before the first Monday in February then next.

SEC. 7. That if any supervisor shall neglect or refuse to perform any of the duties required of him by this act, or which he shall hereafter be directed or required by law to

perform, he shall, for every such offence, forfeit to the use of the same county, the sum of two hundred dollars, to be recovered with costs, in any court of record, by action of debt; and in every such action, it shall be sufficient to set forth, that the defendant, at a certain time and place, became indebted, to the use of such county, in the sum of two hundred dollars, as a forfeiture incurred for refusing and neglecting to perform the duties required of him by this act, to be paid to the said county when he should be thereunto required, and to give the special matter in evidence; and in case of any such forfeiture it shall be the duty of the prosecuting attorney, when required by the treasurer of the county, to cause the same to be prosecuted, and when recovered, the same shall be paid into the county treasury.

SEC. 8. That it shall be the duty of the supervisors of every county of this Territory, as often as shall be necessary, to cause the court house and jail of their county to be duly repaired, and for that purpose, and for the purpose of paying such sums as are now due from the several counties, they are hereby authorized and required from time to time to direct to be raised and levied, on the freeholders and inhabitants of their county, sufficient sums of money for such repairs and payments; and shall also cause to be erected or prepared, within the jail of their respective counties or otherwise, so many solitary cells as they may deem necessary, which shall be appropriated to the reception of convicts who may be sentenced to punishment therein; and all sums necessary for any of the above purposes shall be raised, levied, and collected, by the said supervisors, as the contingent charges of the said counties are directed to be raised, levied, and collected.

SEC. 9. That it shall and may be lawful for the supervisors for each and every of the counties of this Territory, or a major part of them, at their annual meetings, to declare whether any, and what reward shall be given by their respective counties, for the killing of any wolf or wolves, panther or panthers, and the said reward shall be a county charge,



and assessed, raised, and levied, together with other necessary and contingent charges of the county, and shall be paid in such manner, and under such restrictions, as the board of supervisors allowing the reward shall direct: *Provided*, That no reward to be allowed by any of the said boards of supervisors for killing any wolf or panther shall exceed the sum of five dollars.

SEC. 10. That it shall be lawful for the holder of any order, or other evidence of debt, issued by the county commissioners, in conformity with the several laws adopted by the governor and judges, to provide for the raising county rates and levies, to present the same to the board of supervisors of the county where the same was issued and payable, who shall give to the holder of such order or other evidence of debt, a certificate of the sum due thereon, to be paid out of the county treasury or received in payment of county taxes in the county where the same is payable: And it shall be the duty of the board of supervisors, in the several counties, to cause to be destroyed all such orders, or other evidence of debt, for which certificates shall be given, and also all such orders, certificates, and other evidence of debt, as have been or shall be paid, or received in payment of taxes by the county treasurer.

SEC. 11. That the treasurers of the different counties shall receive such commission on all moneys actually paid into the treasury (not exceeding three per centum) as a majority of the supervisors may determine.

SEC. 12. That the amount of taxes to be raised and levied shall not exceed in any one year one per centum, which shall be the highest rate that can be levied for all purposes whatsoever.

SEC. 13. That the supervisors shall not audit or allow any claim for services in criminal cases, to any justice of the peace or constable, until the cases in which fees are chargeable shall have been determined and a return of the fines, if any were imposed, shall have been made to the board of supervisors, and the amount thereof paid into the county treasury: *Provided*, That if it shall be made to appear that an execution has

been issued, and the defendant has no property from which the fines may be collected, then, and in such case, the board of supervisors may allow such fees as are justly chargeable against the county, and the said board of supervisors shall not issue any orders upon the treasurers of their respective counties, in favor of any person or persons who may be indebted, or in default to the county; but the amount of said account, when audited or allowed, shall be placed to the credit of said person or persons, on the book of the treasurer, as a set-off.

SEC. 14. The fees to be allowed in pursuance of the preceding section, in criminal cases (except in cases of assault and battery, where the defendant is unable to pay, or where the prosecution shall fail), to the two justices, where two sit, the jury, constable, and witnesses, shall be allowed, according to the fee bill, to be paid out of the county treasury, but not to exceed five dollars in any case; and when only one justice sits without a jury, not to exceed two dollars, including constable and witnesses' fees, the same to be carefully examined by the supervisors before the allowance is made.

SEC. 15. That if any person or persons shall conceive himself or themselves aggrieved by any decision or order of the supervisors in the disallowance of any demand against the county, it shall be lawful for any such person or persons to appeal to the county court of the county in which such decision or order may be made, within one week from the time of such decision or order; and the said court is hereby authorized and required to hear such appeal, and to make such order in the premises as shall be deemed just and equitable: *Provided*, That said court shall require notice to be served on such supervisors one week previous to the time of trial, stating the appeal, and the time and place of trial; and it shall be the duty of such supervisors to appear and defend against such demand.

Approved March 6, 1833.

—*Reprinted from Laws of the Territory of Michigan, Vol. III., p. 981.*

AN ACT TO PROVIDE FOR HOLDING SPECIAL SESSIONS OF THE CIRCUIT COURT FOR THE COUNTIES OF BROWN AND IOWA.

*Be it enacted by the Legislative Council of the Territory of Michigan,* That the additional judge for the Michigan Territory, in the counties of Michilimackinac, Brown and Crawford, be and he is hereby authorized to appoint and hold special sessions of the circuit court for the counties of Brown or Iowa, at such time and place in either of said counties, as he may deem expedient, for the trial of all such criminal cases as may be moved and prosecuted in said court.

SEC. 2. Every appointment of any special session shall be filed in the office of the county clerk of the county in which such session is to be held, at least twenty days previous to the day mentioned in such appointment for the commencement thereof, and the clerk shall thereupon draw the jurors and issue venires in the manner provided by law, for any stated term or session of said court.

SEC. 3. On the receipt of such appointment the clerk shall cause a copy to be posted on the outer door of the court house, within two days thereafter, and give such other notice as the said judge shall direct; and all witnesses and parties bound under recognizances to appear in said court, and being at the time of giving such notice within either of said counties, or within one hundred miles of the place of holding such special session, shall be held to attend at such session: *Provided,* That the said judge may designate particular cases for the trial of which, the session by him appointed as aforesaid, shall be held.

Approved April 6, 1833.

—*Reprinted from Laws of the Territory of Michigan, Vol. III., p. 1008.*

AN ACT TO PROVIDE FOR THE ELECTION OF COUNTY TREASURERS AND CORONERS, AND TO DEFINE THEIR POWERS AND DUTIES.

SECTION 1. *Be it enacted by the Legislative Council of the Territory of Michigan,* That there shall be elected at the time of holding the annual township meetings in the several organized counties of this Territory, as often as there shall happen a vacancy one county treasurer, and one coroner, who shall hold their offices for the term of three years, and until others are elected and qualified, in their room.

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Approved April 13, 1833.

—*Reprinted from Laws of the Territory of Michigan, Vol. III., p. 1008.*

AN ACT RELATIVE TO THE DUTIES AND PRIVILEGES OF TOWNSHIPS.

*Be it enacted by the Legislative Council of the Territory of Michigan,* That the inhabitants of the several townships in this Territory, who are or shall be qualified by law to vote for delegate to congress, shall assemble together and hold township meetings, in their respective townships, on the first Monday of April in every year, except Michilimackinac and Chippewa, and then and there choose one supervisor, one town clerk, not less than three nor more than five assessors, one collector, two directors of the poor, and three commissioners of highways, for the same township; each of which township officers before mentioned shall be an inhabitant of the same township, and so many constables, fence-viewers and pound masters, for the same township, being inhabitants of the same township, as the electors thereof, so met, or a major part of them, shall deem necessary and convenient, and as many overseers of the highways as there are road districts in each of the townships respectively; which several officers shall



hold their respective offices for one year, and until others are chosen and qualified in their places; and the said supervisors, township clerk, assessors, collector, directors of the poor, commissioners of highways and constables, shall be chosen by ballot; and in case any of the officers so chosen in any such township shall refuse to serve, or die, or remove out of the township, or become incapable of serving before the next annual township meeting, then and in every such case, it shall be lawful for the electors of such township to supply every such vacancy in manner aforesaid, at a special township meeting, to be notified and held for that purpose, in the manner hereinafter directed: *Provided, always,* That every collector chosen or appointed in any such township in this Territory shall, before he enters upon the duties of his office, and within eight days after he shall have received notice from the supervisors of the amount of the tax list, execute to the supervisor of such township a bond, with one or more sureties, to be approved by the supervisor of such township, in double the amount of taxes to be collected by such collector, and conditioned for the due and faithful execution of the duties of his office, which bond, so taken and approved of by the supervisor of such township, shall be lodged with the said supervisor; and in case such bond shall become forfeited, and the amount of the tax list cannot be recovered from such collector in pursuance of law, it shall then be the duty of the treasurer of the county to give notice to the supervisor with whom such bond is lodged of the amount due from the said collector; and the said supervisor shall cause the said bond to be put in suit, and shall be entitled to recover thereon the amount due from such collector, with costs of suit; which sum when recovered shall by such supervisor be applied in the same manner, and to the same purposes to which such collector ought to have applied the same: *And provided further,* That every constable chosen and appointed in every such township shall, before he enters upon the duties of his office, and within ten days after his election or appointment, to be approved of by

the township clerk, or by the supervisor of such township, execute, under his hand and seal, before such supervisor or township clerk, and cause to be filed in the office of the clerk of such township, a bond conditioned that said constable and his sureties shall jointly and severally pay to each and every person such sum of money as the said constable shall become liable to pay for, or on account of any execution which shall be delivered to such constable for collection; and on which bond the said township clerk, or supervisor of such township, shall endorse that he approves of the sureties, and also the amount of the penalty therein named; a copy of such instrument, certified by the clerk of such township, shall be *prima facie* evidence, in all courts, of the execution of such instrument by such constable and his sureties.

SEC. 2. That for the more orderly holding of the township meetings, the electors present at any township meeting, between the hours of nine and twelve o'clock in the forenoon, shall, before they proceed in the business of such meeting, choose, *viva voce*, some fit person being an elector, to preside at such meeting, and superintend the same as moderator, who, with the township clerk and such of the justices of the peace as shall be present, shall take care that the business thereof be orderly and regularly conducted, and shall, in case of dispute, determine who have and who have not a right to vote or be elected at such meeting according to law.

SEC. 3. Previous to receiving any votes, the elector chosen pursuant to the foregoing section, and the township clerk, shall severally take an oath or affirmation, before any officer legally qualified to administer the same, faithfully to discharge the duties of their respective offices, in the following form, viz.: "You, A. B., do solemnly swear, or affirm, that you will perform the duties of judge of this election, according to law and the best of your abilities, and that you will endeavor to prevent any fraud, deceit, or abuse whatsoever in conducting the same;" which oath or affirmation the person required to be chosen by the foregoing section, and

the township clerk, in the absence of all other officers legally qualified to administer oaths, are hereby authorized and empowered to administer to each other.

SEC. 4. Before the electors shall proceed to elect township officers, proclamation shall be made of the opening of the polls; and all township officers other than the supervisors, township clerk, assessors, collectors, directors of the poor, commissioners of highways, and constables shall be chosen either by ballot, by ayes and nays, or by the rising and dividing of the electors, as the meeting may determine, and when the electors vote by ballot, one ballot shall be given for each township officer (where one person fills the office, but where two or three persons fill an office conjointly, then the ballot shall contain the names of so many persons as are necessary to fill said office), which ballot shall contain, written or printed, or partly written and partly printed, the name or names of persons voted for, and the offices to which such persons are intended to be chosen, and shall deliver to the presiding officer or officers, so folded as to conceal the contents; and a poll-list shall be kept by the clerk of the meeting, on which shall be entered the name of each person whose vote shall be received; and the presiding officer or officers shall deposit the ballots in a box to be kept for that purpose; and at the close of every election, or as soon thereafter as may be convenient, the presiding officer or officers shall proceed publicly to canvass the votes, which canvass, when commenced, shall be continued without adjournment or interruption until the same be completed, and before the ballots are opened they shall be counted and compared with the poll list, and like proceedings shall be had as to ballots folded together, and as to differences in numbers, as are prescribed in "An act to provide for the election of a delegate in the Congress of the United States."

SEC. 5. No township meeting shall be held longer than one day, and shall only be held open between sun rise and sun set, and shall be held at such place in each township as

the electors thereof, at their township meetings, shall from time to time appoint.

SEC. 6. The officer or officers presiding at any township meeting shall have the like authority to preserve order, to enforce obedience, and to commit for disorderly conduct, as is possessed by the board of inspectors at a general election.

SEC. 7. The township clerk last before elected shall be the clerk of the township meeting (and where a township has not been organized, the electors may, *viva voce*, choose an elector, first after organizing the meeting, to officiate as clerk of said meeting and keep a faithful account of its proceedings in a book to be provided at the expense of the township for that purpose), in which he shall enter at length every order or direction, and all rules and regulations made by such meeting; and it shall be the duty of the township clerk to notify all township officers of their election, who shall not be present and qualify within ten days after their election, and enter a list of the names of the officers so chosen on the journal of the proceedings.

SEC. 8. The account of the proceedings of every township meeting, signed by the officer or officers presiding, shall be filed in the office of township clerk, within two days after such meeting.

SEC. 9. The township clerk in each township in this territory shall have the custody of all the records, books, and papers of his township, and he shall deliver to the supervisor certified copies of all entries of votes for raising monies without delay after such vote is passed; and said township clerk may appoint a deputy, whose duty it shall be to attend to and perform the duties of township clerk, in case of the absence, sickness, or death of the clerk; and the said deputy township clerk shall take the same oath, be under the penalties, enjoy the same privileges, and for his services receive the same compensation as by law are required of or allowed to the township clerks.

SEC. 10. If any of the said townships shall neglect to choose such officers as aforesaid, or any of them, or in case any of



the officers so chosen in and for any township shall refuse to serve, or die, or remove out of the township for which he may be chosen, or become incapable of serving before the next township meeting or annual election after he shall be chosen, the township for which he was chosen shall, within fifteen days next after such refusal, death, removal, or incapacity happens, choose another in the room of such person, according to law.

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SEC. 12. That it shall be and hereby is made the duty of the clerks of the several townships of this Territory, to transmit to the respective county clerks of the county in which their respective townships are situate, a certified copy of the names of the constables chosen at such elections; and if any township clerk shall omit to perform the duty hereby required of him, such omission is hereby declared to be a public misdemeanor, and on conviction thereof, the court before which such conviction shall be had shall and may adjudge the person convicted to pay a fine not exceeding ten dollars.

SEC. 13. That if any person hereafter chosen or appointed supervisor, township clerk, assessor, collector, commissioner of highways, director of the poor, or constable, as aforesaid, shall refuse to take upon him, or to serve in such office, or if any supervisor, township clerk, assessor, commissioner of highways or director of the poor shall proceed in the execution of such office before he shall have taken and subscribed such oath or affirmation as aforesaid, or if any such collector or constable shall proceed in the execution of his office before he shall have given such security as is or shall be required by law, then and in every such case every person so neglecting or refusing, or doing, shall forfeit to the people of the county the sum of fifteen dollars, to be recovered by action of debt or information, before any justice of the peace in and for the county; and the prosecuting attorney of such county is hereby required to prosecute for all such penalties and forfeitures, and to pay the same, when recovered, to the treasurer of the

county, for the use of the people thereof; and in every such action or information, it shall be sufficient to set forth that the defendant, at a certain time and place, became indebted to the people of the county in the sum of fifteen dollars, as a forfeiture incurred by reason that the defendant, having been elected or appointed, as the case may be, a supervisor, township clerk, assessor, collector, commissioner of highways, director of the poor, or constable, as the case may be, did refuse to take upon him, and to serve in his said office, or did proceed in the execution of his said office without taking or subscribing the oath or affirmation by law required, or without giving the security by law required, as the case may be, contrary to the form of the "Act relative to the duties and privileges of townships," to be paid to the people of the county aforesaid, when he shall be thereunto required, and to give the special matter in evidence: *Provided always*, That nothing in this act contained shall be so construed as to compel any person of any religious denomination to act as an assessor or collector, who shall affirm that he hath conscientious scruples about executing the duties of such office.

SEC. 14. That if any person hereafter chosen or appointed an overseer of highways, fence-viewer, or pound-master, shall neglect or refuse to take upon him the said office, or if such overseer of highways or fence-viewer shall proceed in the execution of his office before he shall have taken and subscribed his oath as aforesaid, then, and in every such case, such person shall forfeit and pay the sum of five dollars, to be recovered with costs, before any justice of the peace, the one moiety thereof to the use of the poor of the township for which such officer was chosen or appointed, and the other moiety thereof, with costs of suit, to the use of any person who will prosecute for the same to effect.

SEC. 15. That upon the death or expiration of the office of the township clerk of any township, all the records, books, writings, and papers belonging to the same office shall be delivered to the successor in office, upon the oath or affirma-



tion of the preceding township clerk, and in case of his death, upon the oath or affirmation of his executors or administrators; and if any such preceding township clerk, or his executors or administrators, shall refuse or neglect to deliver the same, upon oath or affirmation as aforesaid, being lawfully demanded, every such person shall forfeit to the people of the county, for every such refusal or neglect, the sum of one hundred dollars, to be recovered by action of debt or information in any court of record; and the prosecuting attorney of the county is hereby required to sue for such forfeiture, and pay the same, when recovered, to the treasurer of the county, for the use of the people of the county; and in every such action or information it shall be sufficient to set forth that the defendant, on the day such demand was made, became indebted to the people of the county in the sum of one hundred dollars, as a forfeiture incurred by reason that the defendant did neglect or refuse to deliver to the succeeding township clerk the records, books, writings, and papers belonging to the same office, contrary to the form of the act relative to the duties and privileges of townships, to be paid to the people of the county when he shall be thereunto required, and to give the special matter in evidence.

SEC. 16. It shall be the duty of the several constables to attend at the opening of every township meeting and election held in their respective counties, and such of them as shall be designated for that purpose by the board of inspectors shall remain in attendance during such township meeting and during such election and succeeding canvass.

SEC. 17. The electors of each of the said townships are hereby authorized at their respective annual township meetings, or at any other township meeting held for that purpose in their respective townships, from time to time to make such prudential rules and regulations as a majority of the electors of such townships respectively, so assembled at their respective township meetings, and have a right to vote there, shall from time to time judge necessary and convenient, to ascertain the

sufficiency of all partition and other fences, and for permitting or restraining stallions, bulls, rams, boars, and hogs, going at large on the public highways, or unenclosed grounds or commons in said township, and for making and maintaining such, and so many pounds and at such places as may be necessary and convenient, and for ascertaining and limiting the fees to be taken by the fence-viewers respectively, and to impose such penalties on the offenders against such rules and regulations, or any of them, as the majority of such electors so assembled shall from time to time deem proper, not exceeding twelve dollars for each offence, to be recovered with costs of suit, by the supervisor of the township where the offence shall be committed, in the name of the supervisor of such township, for the use of the same township, by action of debt, before any justice of the peace residing in any other township of the same county: *Provided*, That if there be but one township in any county, then the forfeiture aforesaid may be recovered in the same township in which the said forfeiture accrued, and no such action shall be abated or discontinued by the death or expiration of the office of said supervisor, but may be continued and prosecuted to effect by the supervisor in office, and all such penalties, when recovered, shall be applied to the use of the township where such offence shall be committed, in manner and for such purposes as the electors of the same township, or a majority of them there assembled, shall from time to time direct and appoint: *And further*, That all such rules and regulations so to be made as aforesaid in each township shall be recorded by the township clerk of the same township, in a book to be by him provided for that purpose, and shall remain in full force until the same shall be revoked or altered, or new made in manner aforesaid, at some subsequent township meeting; all which alterations and new rules and regulations shall also from time to time be recorded as aforesaid, and shall continue in force until revoked, altered, or new made, as aforesaid.

SEC. 18. It shall be lawful for the electors of each of the



said townships, at their annual township meetings, to make such provisions for the maintenance of the poor, and allow such rewards for the destruction of wolves, bears, panthers, wild-cats and foxes, and to direct such sums of monies to be raised for those purposes, as the majority of the electors so assembled at any such township meeting shall deem necessary and proper.

SEC. 19. Whenever it shall be necessary to hold township meetings in either of the said townships for any of the purposes of this act, at any time between any of said annual township meetings, due notice thereof shall be given by the township clerk, in writing under his hand, specifying the time, place and purposes of such township meeting, and fixed up at four or more of the most public places in the said township, at least eight days before the time therein appointed for holding such township meeting; and the township clerk of each of the said townships is hereby required to give such notice, whenever it shall be necessary to hold such township meeting for electing any of the officers as aforesaid in such township, or when he shall be requested to do so by any twelve or more electors of such township, and when according to law any such election in any township shall become necessary.

SEC. 20. The supervisors in the several townships in this Territory are hereby authorized to sue for and recover any money heretofore due, or which may hereafter become due, to any township or county, from any collector, either upon any bond given by such collector, or by an action for money had and received against such collectors for the use of such township or county; and they shall receive and disburse all monies raised in their respective townships for defraying township charges, except those raised for the support of the poor; and shall render a just and true account of the receipts and expenditures of all monies which shall come into their hands, by virtue of their office, in a book to be provided for that purpose at the expense of the township, and to be delivered to their successors in office, and shall on the Tuesday pre-

ceding the annual township meeting, and between the first and last Mondays in September in each year, account with the justices of the peace and the township clerk of their respective townships, for all monies received by them; and at every such accounting, the justices and the township clerk shall enter a certificate in the supervisors's book of accounts shewing the state of his accounts at the date of the certificate: *And further,* That the supervisor of each township shall attend the annual meeting of the board of supervisors of their respective counties, and every adjourned or special meeting of such board, of which he shall have notice.

SEC. 21. It shall be the duty of the supervisor, justices of the peace, and township clerk, in their respective townships, to audit, examine, and settle all the claims against their township annually, on the last Tuesday of September (except in the townships of St. Mary, Holmes, Michilimackinac, Green Bay, and St. Anthony), and such claims or demands thus audited and allowed shall be, by the supervisor of the proper township, presented to the board of supervisors at their next meeting; he shall also lay before the board such copies of entries concerning monies voted to be raised in his township, as shall be delivered to him by the township clerk.

SEC. 22. Every sum directed to be raised for any township purpose, by the vote of the township meeting, and the allowance of the board of supervisors of such claims as shall have been audited by the township board, shall be considered as proper township charges, and shall be raised on the taxable property of the township respectively, in the manner prescribed by law.

SEC. 23. When the lands or meadows of any two persons shall join each other, each of them shall make and maintain a just proportion of the division fence between them, except such persons shall choose to let their lands or meadows lay vacant and open; and in case any disputes shall arise concerning the part or proportion of the fence to be made and maintained by either party, the same shall be settled by the

fence-viewers of such township where such lands or meadows shall be situated, or any two of them, whose decision shall be conclusive; and if any person shall neglect or refuse to make and maintain his or her part or proportion of such fence, or shall permit the same to be out of repair, every such person shall be liable to, and shall pay, all such damages as shall accrue to his or her neighbor thereby, to be appraised by the fence-viewers of the same township, or any two of them not interested therein, and to be recovered with costs, in any court having cognizance of the same; in case the party so neglecting or refusing should continue such neglect or refusal for the space of one month after notice and request to make or repair such fence, then and in every such case it shall be lawful for the party injured thereby to make or repair all the said fence, at the expense of the party so neglecting or refusing, to be recovered with costs of suit, in any court having cognizance of the same; and in case any person shall conclude or be disposed to throw up his or her land for common feeding, or let the same lay open, such person shall give six months notice thereof to the person or persons in possession of the lands or meadows adjoining; and if such fence shall be removed without giving such notice, or before the expiration of the said six months, then the person removing the same shall be liable to make good all such damages as the party injured by such removal shall sustain thereby, to be recovered as aforesaid, with costs.

SEC. 24. When any distress shall be made of any beasts doing damage, the person distraining shall, as soon as conveniently may be, and within twenty-four hours thereafter, unless the distress be made on Saturday, in which case he shall, before Tuesday morning thereafter, make application to the two nearest fence-viewers in the same township to appraise and ascertain the damage, who shall immediately thereupon go to the place where such damage shall have been committed, and view the damage done, and appraise, ascertain, and certify, under their hands, the amount thereof, with their

fees for the same; and if any dispute shall arise concerning the sufficiency of the fence, it shall be determined by the same fence-viewers, whose decision shall be conclusive; and the person making the distress shall, as soon as he shall think proper, and within twenty-four hours after making such distress, unless the damage shall be sooner paid, cause the beasts so distrained to be put in the nearest pound in the same county where they shall remain, until the sum so certified by the fence-viewers shall be paid, with the fees of the pound-master, or the beast so impounded be replevied.

SEC. 25. The keepers of the several pounds, and the pound-masters in each township, may take, for all beasts which shall put into the pound of which he is keeper or master, the following fees to-wit: for taking in and discharging every horse, gelding, mare or colt, and all neat cattle, twelve and one-half cents each, and for every sheep or lamb, three cents, and for every hog, shoat, or pig, six cents; which fees shall be paid to the said keeper or pound-master, by the owner of the beasts impounded, or some person for him, before the said beast shall be released from such pound, unless the keeper or master of such pound shall otherwise agree concerning the same; and if the owner of any beasts impounded for doing damage shall not pay the damage, and the fees of the pound-master with reasonable charges for keeping and feeding them, not exceeding, for each beast, three cents for every twenty-four hours such beasts shall be impounded and fed, within six days after such beasts shall be impounded, or replevy the same beasts, then it shall and may be lawful for such keeper or master of such pound to sell such beast at public vendue, giving at least forty-eight hours notice previous to such sale, by advertisement, to be posted up at the said pound, and at the nearest public place to the said pound, and out of the monies arising from such sale to pay the damages, and retain in his hands his fees and charges for feeding and keeping the said beast, and of such sale return the overplus to the owner of the same beast, and if no owner shall appear and claim



such overplus within six months after such sale, the same shall be paid to the directors of the poor of the township where such beast was impounded, for the use of the poor of such township.

SEC. 26. When any line of any township in this Territory shall intersect a farm, the possessor of such farm shall pay all his taxes for such farm in the township where his dwelling-house shall be.

SEC. 27. Whenever there are low grounds or swails, rendered unproductive by marshy or stagnant waters, which can be conveniently drained by ditching through one or more farms of adjoining improved lands, similarly situated, so as to render the whole more valuable and productive, or whenever it shall be necessary or useful to have a drain or ditch on the line between two improved farms, to render them more productive, each person interested shall make and maintain a just proportion of the cross-ditches or drains, and also the ditches or drains on the line between improved farms; and in case any dispute shall arise concerning the part or proportion of the ditches or drains to be made and maintained by either party, the course and direction of said cross-ditches or drains, or the depth or length thereof, or whether the same is necessary or useful, the same shall be settled by the fence viewers of such township where such low grounds and farms shall be situated or any two of them (on application of either party, and notice to the other party), whose decision shall be conclusive against all concerned; and if any person or persons shall neglect or refuse to make or maintain his, her, or their part or proportion, after four weeks notice, or shall permit the same to be out of repair, every such person or persons shall be liable to and shall pay all such damages as shall accrue to his, her, or their neighbors thereby, to be appraised and ascertained by the fence-viewers of the same township, or any two of them not interested therein, and to be recovered, with costs of suit, in any court having cognizance thereof.

SEC. 28. Whenever the owner of any stallion or other

animal prohibited from going at large in any township be not known, or cannot be found, it shall and may be lawful for any person taking up such stallion or other animal going at large, to place them in the nearest pound of said township; and it shall be the duty of the keeper of said pound, forthwith to advertise the said stallion or other animal, by posting up advertisements in at least three of the most public places within the same, or in any newspaper printed in the county in which such township is situated, describing the marks and age of said stallion or other animal, twenty days, and notifying all whom it may concern, that if the owner does not appear to claim such stallion or other animal before the expiration of the said twenty days, the said stallion or other animal shall be sold by the said pound-master, to the highest bidder, the time and place of sale being also mentioned in the said advertisement, and the money arising from such sale, after deducting the penalty and fees of the said pound-keeper, shall be paid into the hands of the supervisor of the said township, for the use of the owner of such stallion or other animal; but should no owner appear before the lapse of six months from such sale, the supervisor shall pay over said money to the directors of the poor of the township whereof he is supervisor, for the use of the poor thereof.

SEC. 29. The annual election for the township officers within and for the township of Holmes, in the county of Michilimackinac, and for the township of St. Mary, in the county of Chippewa, shall hereafter be held on the first Monday of May, in each and every year; and it shall be competent for the electors of the township of Holmes, to elect such township officers and such only, as they shall deem necessary for the purposes of their township.

SEC. 30. On the day appointed for the annual township meetings in this Territory, the freemen of the city of Detroit shall elect one supervisor, whose duty shall be confined to the meeting of the board of supervisors of the county of Wayne, and such election shall be held and previous notice given, in

the same manner as other elections are held and notified and conducted in the said city. That the taxes which may be assessed upon the city of Detroit by the board of supervisors, shall be levied, assessed, and collected, under the authority of the common council of the said city, and the amount thereof shall be paid into the county treasury, on or before the day appointed therefor, under the same penalties and liabilities as are provided for the assessment and collection of county taxes, and all elections for others, as well as corporation officers, shall be held by the city authorities in the same manner as corporation elections are notified and held: *And further*, That so much of this act as requires the several townships of this Territory to elect other officers than supervisor, is not applicable to the city of Detroit.

SEC. 31. The act relative to the duties and privileges of townships, approved March thirtieth, eighteen hundred and twenty-seven, and all acts amendatory thereof, are hereby repealed: *Provided*, That nothing in this act contained shall take away or in any manner affect the privileges granted to the inhabitants of the townships of Green Bay, St. Anthony, Holmes and St. Mary, in and by the act entitled "An act to divide the several counties of this Territory into townships, and for other purposes," approved April twelfth, eighteen hundred and twenty-seven.

SEC. 32. This act shall take effect and be in force on and after the first Monday in April, in the year one thousand eight hundred and thirty-four.

Approved April 17, 1833.

—*Reprinted from Laws of the Territory of Michigan, Vol. III., p. 1038.*

AN ACT TO REGULATE AND DEFINE THE POWERS OF JUSTICES OF THE PEACE AND CONSTABLES, IN CIVIL CASES.

SECTION 1. *Be it enacted by the Legislative Council of the Territory of Michigan*, That all actions of assumpsit, debt,

*detinue*, covenant, account, trespass on the case, assault and battery, and trespass, including trespass on lands, or other real estate, wherein the balance due or the damages or thing demanded shall not exceed one hundred dollars, and actions of replevin where the amount or thing demanded shall not exceed fifty dollars; also penalties not exceeding the said sum imposed by any statute of this Territory; and also all sums of money not exceeding one hundred dollars, to be sued for and recovered by virtue of any statute of this Territory, as well by and in favor of executors and administrators, as others, and as well against attorneys, and other officers of any court of justice of this Territory, except during the sittings of such court, as others, shall be cognisable before any justice of the peace of any county within this Territory; and also all actions commenced by attachment of property as hereinafter provided, wherein the debt or damages claimed shall not exceed one hundred dollars; and judgments by confession may be entered by any justice of the peace, for any sum not exceeding one hundred and fifty dollars, provided that such confession be in writing, signed by the person making the same, in presence of the justice or one or more competent witnesses; and every such justice is hereby authorized to hold a court for the trial of all such actions, and to hear, try, and determine the same according to law and evidence; and is hereby vested with all such powers for the purposes aforesaid, as is usual in courts of record in this Territory; and shall sign all process to be issued by him: *Provided always*, That no justice of the peace shall have cognisance of any action where the title to land shall in any wise come in question, except as aforesaid, or of false imprisonment, or of slander, or of malicious prosecution, nor of matters of account, where the sum total of the accounts of both parties, prove to the satisfaction of the justice, shall in the whole amount to five hundred dollars, nor of any action to be brought against an executor or administrator, for any debt or demand due from the testator or intestate.

SEC. 2. That it shall not be lawful for any justice of the



peace to hold any trial of any cause, in any bar-room or grocery.

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SEC. 45. This act shall take effect and be in force on and after the first day of July next.

Approved April 20, 1833.

—*Reprinted from Laws of the Territory of Michigan, Vol. III., p. 1074.*

AN ACT TO PRESCRIBE THE MODE OF HOLDING ELECTIONS IN THE COUNTY OF IOWA.

SECTION I. *Be it enacted by the Legislative Council of the Territory of Michigan,* That a majority of the judges of the county court of the county of Iowa are hereby authorized to designate as many several places in said county, in addition to those provided by law, as they shall deem expedient, where the electors of said county may meet for the purpose of voting for delegate to Congress and members of the legislative council; and it shall be the duty of the sheriff of said county to publish a notification thereof, in the manner prescribed in and by the third section of the "act to provide for the election of delegate in the Congress of the United States," approved April twelfth, eighteen hundred and twenty-seven.

SEC. 2. On the day and at either of the places so designated, a majority of the electors present shall, *viva voce*, choose a moderator, who, together with any two justices of the peace of said county, shall be inspectors of said election, and being first sworn, shall proceed to open the polls, receive and canvass votes, and make returns thereof, and do all other acts and things, and in the same manner that inspectors of elections are authorized and required to do, in and by the act referred to in the foregoing section of this act.

SEC. 3. The clerk of said county is hereby required to receive the statement of votes which may be transmitted to

him by such inspectors; and the votes polled at any such election shall be calculated and ascertained by the board of canvassers of said county, and included in the general estimate of votes given in said county, in the same manner as if such election had been held in pursuance of the act above referred to.

Approved April 20, 1833.

—*Reprinted from Laws of the Territory of Michigan, Vol. III., p. 1092.*

AN ACT FOR THE RELIEF AND SETTLEMENT OF THE POOR.

SECTION I. *Be it enacted by the Legislative Council of the Territory of Michigan,* That every township in this Territory shall maintain its own poor, if such poor have obtained a legal residence therein, as is hereinafter prescribed; and in case any poor person has not obtained such legal residence or settlement, then the county wherein such township is situated, shall relieve and maintain such poor person or persons, unless removed.

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SEC. 25. The act for the relief and settlement of the poor, excepting that part which relates to the city of Detroit, approved April thirteen, eighteen hundred and twenty-seven, and all acts amendatory thereto, are hereby repealed.

Approved April 22, 1833.

—*Reprinted from Laws of the Territory of Michigan, Vol. III., p. 1134.*

AN ACT TO PROVIDE FOR THE APPOINTMENT OF SHERIFFS, AND TO DEFINE THEIR POWERS.

SECTION I. *Be it enacted by the Legislative Council of the Territory of Michigan,* That there shall be appointed in each of the organized counties of this Territory, a sheriff who shall

hold his office for the term of three years, unless sooner removed, who shall, previous to entering upon the duties of his office, take an oath or affirmation to support the constitution of the United States, and also, an oath or affirmation, faithfully to execute the duties of his office. This act shall not be so construed as to remove any incumbent from office.

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SEC. 4. It shall be lawful for every sheriff, who shall be appointed and commissioned and take upon himself the office, to continue in and execute all the duties of said office until a new sheriff shall be appointed and commissioned in his place.

SEC. 5. The sheriff of each county in this Territory shall, as soon as may be after he has taken upon himself the office, by writing under his hand and seal, make some proper person under-sheriff, of the same county, who shall also be his deputy during the pleasure of the said sheriff; and as often as such under-sheriff shall die, or be removed from his office, or move out of the county, or becoming incapable of executing the duties of his office, another shall be appointed in his place, in the manner aforesaid; and every such deputation or appointment shall be recorded in the office of the clerk of the proper county; and in case of the death of the sheriff of any county, the under-sheriff of the same county shall, in all things, execute the office of sheriff of the same county, in the name of the deceased sheriff, until another shall be appointed and commissioned, and shall take upon himself the said office; and the default and misfeasances in office of such under-sheriff, in the meantime, as well as before, shall be adjudged a breach of the condition of the bond and security given by the sheriff who appointed him; and the executors and administrators of the deceased sheriff shall have the like remedy for the default and misfeasance in office of such under-sheriff happening during such interval, as such sheriff would have been entitled to, if he had lived, and continued in the exercise of the office until his successor was appointed and commissioned, and had taken upon himself the said office; and in case there shall be no such

under-sheriff of any county, at the time of the death of the sheriff of such county, or if such under-sheriff shall die or remove out the county, or become incapable of executing the office before another sheriff of the same county shall be appointed and commissioned, and have taken upon himself the said office, then, and in every such case, the coroner of such county shall, in all things, execute the office of sheriff of the same county, until a sheriff thereof shall be appointed and commissioned, and shall take upon himself the said office: *Provided always*, That nothing herein contained shall be construed to prevent any sheriff from appointing such and so many deputies, besides the under-sheriff, as he may think proper: *And further*, That no person who may be deputed by the sheriff to do a particular act only, shall be required to take the oath or affirmation to be taken by the deputies of sheriffs.

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SEC. 28. All acts and parts of acts contravening the provisions of this act, except the "act concerning the counties of Michilimackinac, Brown, Crawford, Chippewa, and Iowa," approved July twenty-eight, eighteen hundred and thirty, be and the same are hereby repealed.

Approved April 23, 1833.

—*Reprinted from Laws of the Territory of Michigan, Vol. III., p. 1195.*

#### AN ACT TO PROVIDE FOR LOCATING A SEAT OF JUSTICE IN THE COUNTY OF IOWA.

SECTION 1. *Be it enacted by the Legislative Council of the Territory of Michigan*, That the supervisors of the county of Iowa are hereby authorized and required to locate the seat of justice of said county at some point therein which shall be most convenient.

SEC. 2. The said supervisors shall perform the duty required of them by the preceding section, on or before the



first day of July next, being first sworn to the faithful discharge of that trust; and as soon as they shall come to a determination the same shall be reduced to writing, and filed with the clerk of said county, whose duty it shall be to record the same, and the place thus designated shall be the county seat: *Provided*, That the supervisors of all the townships in said county shall be present when the said seat is located, and a majority at least of the whole number shall agree in the determination thus to be made.

SEC. 3. The supervisors shall be allowed for their services, two dollars each per day, for every day they shall be employed in performing the duty contemplated by this act, to be paid from the county treasury: *Provided*, The sum each supervisor may receive shall not exceed ten dollars.

SEC. 4. If the supervisors shall fail to perform the duties required of them by this act, the seat of justice shall continue temporarily at Mineral Point, in said county.

Approved April 23, 1833.

—*Reprinted from Laws of the Territory of Michigan, Vol. III., p. 1248.*

AN ACT TO PROVIDE FOR THE ELECTION OF A COUNTY ASSESSOR, AND FOR OTHER PURPOSES.

SECTION 1. *Be it enacted by the Legislative Council of the Territory of Michigan*, That there shall be elected in each of the several counties of Michilimackinac, Chippewa, Brown, Iowa, and Crawford, a person having the qualifications of an elector, to be styled county assessor; he shall, before he proceeds to the discharge of any of the duties enjoined on him by this act, give bond in the sum of one thousand dollars to the county treasurer, for the use of the county in which he is elected, with two sureties to be approved by the board of supervisors, conditioned for the faithful discharge of the duties of his office; he shall also take and subscribe an oath or affirmation that he will faithfully and impartially assess the prop-

erty in said county, both real and personal, according to law; which oath or affirmation shall be filed in the office of the county clerk; the said assessor shall hold his office for two years, and until another is elected and qualified in his place.

SEC. 2. The county assessor may divide the county into as many districts as there are townships in the county, and shall proceed to assess the real and personal property therein, to be placed in separate and distinct columns in his assessment rolls opposite the name of the owner thereof, in the following manner: 1. Cultivated lands; 2. Uncultivated; 3. All leasehold or other estates, such as the lessee or occupant may have according to law in any lands or improvements thereon; 4. Houses, out-houses, barns and stables; 5. Horses; 6. Swine; 7. Neat stock; 8. Farming utensils, in which shall also be included wagons, carts, and harness; 9. Carriages of pleasure; 10. Stocks in any incorporated company; 11. Stock in trade; 12. Property in vessels, boats, and other craft; 13. Lead or other mineral; the value of the property mentioned in each column shall also be set down; said assessment shall be taken and completed between the first day of February and the fifteenth day of March in each and every year; a separate roll shall be made for each township, to include all the property, real and personal, in said township.

SEC. 3. That the county assessor may be enabled to ascertain what property any person may have in possession, he is hereby authorized to administer an oath or affirmation to every such person, truly to disclose to the assessor the property in his or her possession; and every person refusing to take such oath or affirmation shall be liable to pay double tax upon every species of property which may be ascertained and returned by the assessor, and shall also be deprived the privilege of having the same equalized, or the valuation thereof reduced by the board of supervisors. If any person who shall have disclosed to the assessor the situation of his property shall feel himself or herself aggrieved at the valua-

tion thereof, he or she may make oath or affirmation of the true valuation of his or her real or personal estate, before the said assessor, whose duty it shall be to value such property at the sum thus sworn or affirmed to and no more.

SEC. 4. All lands and other property shall be assessed to the person occupying and in possession thereof; and if the owner of any real estate shall reside out of the county and shall have no lawful agent therein, such real estate shall be put down in a distinct roll, and shall be described by metes and bounds.

SEC. 5. On the completion of the assessment by the assessor, he shall meet with the board of supervisors on the third Monday of March, and the said supervisors and assessor shall proceed to equalize the assessment so as to have the same uniform throughout the county; and on application of any person who may wish a review of the said assessment, they are hereby authorized to alter the same to the satisfaction of a majority of said assessor and supervisors.

SEC. 6. After the same has been reviewed as prescribed in the preceding section, the clerk of the board shall make a true copy of the district roll for the township in which such district lies, and shall deliver such copy to the clerks of the respective townships, on or before the third Monday of April thereafter.

SEC. 7. All county and township taxes, and all highway taxes to be levied within the respective townships for each year, shall be levied upon the valuation returned for that year; and in just proportion as the same is assessed and put down in the assessment roll.

SEC. 8. If the county assessor shall refuse, or without being prevented by sickness, neglect to perform the duties required of him by this act, he shall forfeit and pay the sum of two hundred and fifty dollars, to be recovered by action of debt in any court having cognizance thereof, with costs, in the name of the United States, for the use of the county for which such assessor is elected.

SEC. 9. The county assessor shall pay all expense of making assessments, and shall receive the sum of two dollars for each day he may be employed in the discharge of the duties enjoined by this act, the number of days to be ascertained by the oath or affirmation of the assessor.

SEC. 10. In case of the death, resignation, or removal of any county assessor from the county in which he is elected, the board of supervisors may appoint a competent person to fill the vacancy, who shall hold his office for the time for which such assessor was elected; and the person so elected by the board of supervisors shall give bond, take the oath or affirmation, possess the powers and be subject to the penalties of the county assessor, and receive like compensation for his services.

SEC. 11. The board of supervisors shall levy the taxes required to be levied by any law of this Territory for county and township charges, on the third Monday of March; and the collector shall make his return to the treasury on or before the fifteenth day of May thereafter.

SEC. 12. The election for county assessor under and by virtue of the provisions herein contained, shall be held at the time and place, and the result certified as near as may be agreeably to the provisions of an act entitled "An act to regulate the election of a delegate to the congress of the United States," approved April twelve, one thousand eight hundred and twenty-seven: *Provided*, That the certificate of the county clerk of any county shall be evidence of the election of the county assessor for such county.

SEC. 13. It shall be the duty of the board of supervisors to appoint some competent person to act as county assessor until the first election shall be held, agreeably to the provisions of this act; and the person thus appointed shall take the same oath or affirmation, give bond, and be liable to the same penalties, as may be required of and incurred by the county assessor elected as aforesaid.

SEC. 14. All acts and parts of acts which authorize the



election of township assessors and prescribe their powers and duties, so far as the same may relate to the counties of Michilimackinac, Chippewa, Brown, Iowa, and Crawford, are hereby repealed.

SEC. 15. This act shall take effect and be in force from and after the first day of June next.

Approved February 24, 1834.

—*Reprinted from Laws of the Territory of Michigan, Vol. III., p. 1270.*

AN ACT TO AMEND THE ACT ENTITLED "AN ACT RELATIVE TO THE PRIVILEGES AND DUTIES OF TOWNSHIPS.

SECTION 1. *Be it enacted by the Legislative Council of the Territory of Michigan,* That if any township officer, after he shall have been elected and qualified, shall neglect or refuse to perform any of the duties required of him by law, he shall, for every such neglect or refusal, forfeit and pay to the people of the county such penalty as is prescribed by law; and if no penalty shall have been imposed, shall forfeit and pay a sum not exceeding fifty dollars, to be recovered in the same manner as is provided for the recovery of other forfeitures in and by the thirteenth section of the act entitled "An act relative to the duties and privileges of townships," approved April seventeen, eighteen hundred and thirty-three: *Provided always,* That nothing herein contained shall be so construed as to deprive any party who may be injured by such neglect or refusal of any officer, of his remedy by an action at law for such injury.

Approved March 7, 1834.

—*Reprinted from Laws of the Territory of Michigan, Vol. III., p. 1285.*

AN ACT TO FIX AND ESTABLISH THE BOUNDARIES OF THE COUNTIES OF BROWN AND IOWA, AND TO LAY OFF THE COUNTY OF MILWAWKIE.

SECTION 1. *Be it enacted by the Legislative Council of the Territory of Michigan,* That all that district of country bounded north by the county of Michilimackinac, west by the Wisconsin river, south by the line between townships eleven and twelve north, in the Green Bay land district, and east by the line drawn due north through the middle of Lake Michigan, until it strikes the southern boundary of the county of Michilimackinac, shall constitute the county of Brown; and all that part of the county of Brown to which the Indian title is or may be extinguished, shall be attached to and constitute a part of the township of Green Bay.

SEC. 2. All that district of country bounded north by the middle of the Wisconsin river, west by the Mississippi, south by the north boundary of Illinois, and east by the principal meridian dividing the Green Bay and Wisconsin land districts, shall constitute the county of Iowa.

SEC. 3. All that district of country bounded north by the county of Brown, east by the eastern boundary of Illinois, extended south by the State of Illinois, and west by the county of Iowa, shall constitute the county of Milwawkie.

SEC. 4. The county of Milwawkie is hereby attached to the county of Brown for judicial purposes.

Approved September 6, 1834.

—*Reprinted from Laws of the Territory of Michigan, Vol. III., p. 1325.*

AN ACT

TO LAY OFF AND ORGANIZE COUNTIES WEST OF THE MISSISSIPPI RIVER.

SEC. 1. *Be it enacted by the Legislative Council of the Territory of Michigan.* That all of that district of country

which was attached to the Territory of Michigan, by the Act of Congress entitled "An Act to attach the Territory of the United States west of the Mississippi River, and north of the State of Missouri to the Territory of Michigan," approved June 28th, 1834, and to which the Indian title has been extinguished, which is situated to the north of line to be drawn due west from the lower end of Rock Island to Missouri river, shall constitute a county and be called Dubuque. The said County shall constitute a Township which shall be called Julien. The seat of justice shall be established at the Village of Dubuque until the same shall be changed by the Judges of the County Court of said County.

SEC. 2. All that part of the district aforesaid, which was attached as aforesaid to the Territory of Michigan, and which is situated south of the said line to be drawn west from the lower end of Rock Island, shall constitute a County, and be called Demoine. The said County shall constitute a Township, and be called Flint Hill. The seat of Justice of said County shall be at such place therein, as shall be designated by the Judges of the County Court of said County.

SEC. 3. A County Court shall be and hereby is established in each of said Counties. The County Court of the County of Dubuque shall be held on the first Mondays in April and September annually; and the County Court of the County of Demoine on the second Monday in April and September annually.

SEC. 4. All laws now in force in the County of Iowa, not locally inapplicable, shall be and hereby are extended to the Counties of Dubuque and Demoine, and shall be in force therein.

SEC. 5. The inhabitants of the said Townships may hold an election for their Township officers on the first Monday in November next; all elections in the County of Dubuque shall be held at the following places, to-wit: at Lorimer's Store in the Village of Dubuque, and at Gehon's Store in the Village of Peru, at the dwelling house now occupied by Hosea T. Camp,

near the head of Cat Fish Creek, and at Lore's dwelling house on the Mukkoketta. The elections in the County of Demoine shall be held at the seat of Justice of said County. The said elections shall be held by three persons at each place above mentioned who shall be elected to perform such service by a majority of the inhabitants there present between the hours of ten & twelve of the said day, and who shall proceed to hold said elections according to the mode prescribed by Law for holding Township elections, and make return thereof to the Justices of the County Court of each County respectively, who shall canvass the votes given at the several polls within their Counties and declare the names of the persons who shall have been duly elected, at such election. The oath of office of the Chief Justices of the County Courts of the said Counties may be administered by the person appointed Clerk of the respective Counties, and the said Chief Justices shall then proceed to administer the oath of office to the said Clerk & associate Justices of the County Courts according to Law.

SEC. 6. Process civil & criminal issued from the Circuit Court of the United States for the County of Iowa, shall run into all parts of said Counties of Dubuque and Demoine, and shall be served by the sheriff, or other proper officer within either of said Counties. Writs of error shall lie from the Circuit Court for the County of Iowa, to the County Courts established by this Act, in the same manner they now issue from the Supreme Court to the several County and Circuit Courts of the Territory.

SEC. 7. This Act shall take effect and be in force on and after the first day of October next, and the Township officers elected under this Act shall hold their offices until the first Monday of April next and until others are elected and qualified.

Approved Sept. 6. 1834.

STEVEN T. MASON.

JOHN McDONELL

*President of the Legislative Council.*



—Printed from *Engrossed Territorial Laws. Original manuscript copy of Territorial Laws, Vol. XV., Bk. No. 59, as preserved in the principal vault in the office of the Secretary of the State of Michigan.*

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AN ACT

RELATIVE TO THE COUNTY OF DUBUQUE.

Be it enacted by the Legislative Council of the Territory of Michigan, That the oath of office administered to the Clerk of the County of Dubuque, and the oath of office administered by him to the several officers of said County, for the purpose of organizing said County, are hereby declared to be legal and valid for all purposes contemplated in their several appointments of office; and the said several officers thus qualified are hereby declared to be subject to the same penalties for the violation of the oath, thus administered, as if the same were administered in accordance with the act entitled "An Act to lay off and organize Counties West of the Mississippi River."

Approved Dec. 9. 1834.

STEVEN T. MASON.

JOHN McDONELL

*President of the Legislative Council.*

—Printed from *Engrossed Territorial Laws. Original manuscript copy of Territorial Laws, Vol. XV., Bk. No. 59, as preserved in the principal vault in the office of the Secretary of the State of Michigan.*

APPENDIX.

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AN ACT TO REGULATE THE INTERNAL GOVERNMENT AND POLICE OF THE SEVERAL DISTRICTS IN THE TERRITORY OF MICHIGAN.

*Be it enacted by the Governor and the Judges of the Territory of Michigan,* That the free male adult citizens of the United States of America, within the several districts of the Territory of Michigan, who have resided one year within the district, shall, on the second Tuesday of October, annually, elect five councilors, selectmen, or commissioners, of integrity and knowledge for the internal government and police of the district; the elections to be notified, held, conducted, and certified by the marshal of the district; the same being adopted from the laws of three of the original States, to wit: The States of Connecticut, Ohio, and Pennsylvania, as far as necessary and suitable to the circumstances of the Territory of Michigan.

SEC. 2. *And be it enacted,* That a majority of the council shall be a quorum for the transaction of business, and a majority of such quorum shall determine a question. The council shall have power to determine contested elections of their own members, and when vacancies accrue within the year, to provide for an election to supply such vacancy. The council shall provide for the support of the poor, for the maintenance and repair of roads and bridges, and generally for the internal government and police of the district, for the education of youth, and for those and other purposes shall levy and collect rates and taxes, and make and enact all laws and regulations necessary to give effect to their powers, not contravening the constitution and laws of the United States, or the laws of the

Adopted and published at the city of Detroit, within the Territory of Michigan, this fourteenth day of September, one thousand eight hundred and ten.

—Reprinted from *Laws of the Territory of Michigan*, Vol. IV., p. 96.



