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L A W S

*Law & Equity*

OF THE

TERRITORY

OF THE

UNITED STATES

NORTH-WEST

SUPREME COURT  
OF THE TERRITORY

RIVER OHIO,

LAW LIBRARY  
FROM THE

COMPLIMENT OF THE GOVERNMENT

TO THE

31<sup>st</sup> OF DECEMBER, 1791.

THE SUPREME COURT LAW LIBRARY

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COPIES of the Laws which have been adopted and published in the Territory of the United States north-west of the River Ohio, from the commencement of Government to the 31st day of December, inclusive—made out from the original Records in the Secretary's Office, and to be transmitted to the Secretary of Congress, agreeably to the Ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven.

## CHAPTER I.

*A LAW for regulating and establishing the MILITIA in the Territory of the United States north-west of the river Ohio, published at the city of Marietta upon the twenty fifth day of July, in the thirteenth year of the Independence of the United States, and of our Lord one thousand seven hundred and eighty eight, by his Excellency Arthur St. Clair, Esquire, Governour and Commander in Chief, and by the Honourable Samuel Holden Parsons and James Mitchell Varnum, Esquires, Judges.*

**A**LL male inhabitants between the age of sixteen and fifty, shall be liable to and perform military duty, and be formed into corps in the following manner.

*All male inhabitants, &c. liable to militia duty*

Sixty four rank and file shall form a company. Eight companies shall form a battalion. Two battalions shall form a regiment.

*how to be organized*

There shall be appointed to each company, one captain, one lieutenant, one ensign, four serjeants, four corporals, one drummer and one fifer. To a battalion there shall be appointed, one lieutenant colonel, one major, and one adjutant. To a regiment one colonel.

The corps shall be divided into senior and junior classes.

*to be classified;*

And whereas in the infant state of a country, defence and protection are absolutely essential,

all male inhabitants of the age of sixteen and upwards, shall be armed, equipped and accoutred in the following manner ;

how to be  
accoutred,

With a musket and bayonet, or rifle, cartridge box and pouch, or powder horn and bullet pouch, with forty rounds of cartridges, or one pound of powder and four pounds of lead, priming wire and brush and six flints.

and when  
to assemble;

And whereas for securing the principles of defence and protection, it is necessary to be assembled upon certain times, and at certain places, for examining and inspecting the arms and accoutrements, and for disciplining the men in a soldierly manner : And whereas the assembling of the members of community at fixed periods, conduces to health, civilization, and morality ; and such assembling without arms in a newly settled country, may be attended with danger ; Therefore the corps shall be paraded at ten o'clock in the morning of each first day of the week, armed, equipped, and accoutred as aforesaid, in convenient places next adjacent to the place or places already assigned, or to be assigned for public worship : at other times and places, the corps shall be paraded for muster, exercise, and review as the commander in chief may direct. And whereas in the present state of the territory it is necessary that guards be established ; the commander in chief, and the commanding officers of counties, and of smaller districts shall make such detachments for guards and other military duty as the public exigencies may in his, or their opinion require.

how to be  
classified ;

Those who have borne commissions, civil or military, in the service of the United States, or either of them, and who have been honorably discharged therefrom, and all such as have

been graduated in colleges or universities, shall how to be  
compose the senior class. Males above the age classed ;  
of fifty shall be liable to military duty in cases  
of actual invasion only, and then at the direc-  
tion of the commander in chief. Officers of exemptions.  
civil government appointed by Congress or  
commissioned by the Governour are exempted  
from the duties afore said.

If any male inhabitant shall neglect or refuse Fine for ne-  
to appear at the fixed times and places of pa- glecting the  
rade by this law established, he shall be fined duty en-  
in the sum of twenty five cents, unless he shall joined by  
render an excuse to the satisfaction of the com- this act.  
manding officer of his corps. If any male as  
afore said shall neglect or refuse to appear at such  
time and place as the commander in chief shall  
specially direct, for muster, review, and exer-  
cise, he shall be fined in the sum of fifty cents,  
unless excused as afore said.

If any male as afore said shall neglect or re-  
fuse to appear upon the order of the comman-  
der in chief, or other officers as afore said, for  
guards or other ordinary military duty, or refuse  
to perform the same, he shall be fined in the sum  
of one hundred cents—which offences shall be Fines how  
heard and determined by the officers of the to be deter-  
company to which the offender may belong, mined and  
and upon conviction, a warrant of distress shall collected.  
issue from the commander of such company, di-  
rected to either of the serjeants of the same,  
requiring him to collect the fines afore said, and  
pay the same into the treasury of the town, ci-  
ty or county wherein the conviction shall have  
taken place, within twenty days next after iss-  
uing such warrant. For the second, and all suc-  
ceeding offences in the cases before mentioned,  
the persons charged with having committed the  
same, shall be heard, tried and sentenced by  
courts-martial.

On neglect of duty in case of invasion, &c. If any male inhabitant as aforesaid, shall neglect or refuse to appear and perform his duty under the orders of the commander in chief, against an enemy invading the territory, or shall refuse, disobey or neglect the orders given by his officers, or any of them, in time of action, he shall be deemed guilty of cowardice and desertion, and be heard, tried, and sentenced by a court-martial.

Duty of officers ; All officers shall be attentive to the forming, disciplining, parading, and commanding their respective corps, and to such other duties as shall respectively bind them by this law, and by the orders from time to time to be given by the commander in chief.

how to be tried on neglect thereof. If any officer shall be guilty of a breach of this law, or in any respect violate, or neglect his duty, he shall be heard, tried, and sentenced by a court-martial.

Court-martial how constituted ; A court-martial shall consist of not more than thirteen members, nor less than five, whereof one at least shall have rank superior to that of a captain.

by whom appointed & sentences approved. A court-martial shall be appointed by the commander in chief, or the commanding officers of a regiment or battalion ; but the commander in chief only shall have the power of approving and carrying into effect sentences of courts-martial, whereby the punishment shall be capital, or an officer cashiered.

AR. ST. CLAIR.  
SAML. H. PARSONS.  
J. M. VARNUM.