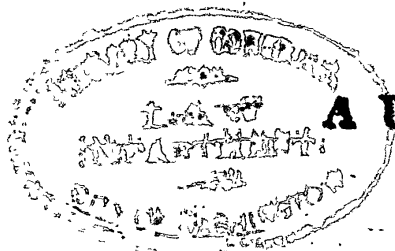


Illinois (Terr) Laws, statutes, etc

L A W S
OF THE
TERRITORY
OF
ILLINOIS,

REVISED AND DIGESTED

UNDER THE



AUTHORITY

OF THE

LEGISLATURE,

+++++
BY NATHANIEL POPE.
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VOLUME I.

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**K A S K A S K I A :**

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June, 2nd, 1815.

# DUELLING

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## DUELLING.

### AN ACT

*To suppress duelling. Adopted from the  
Virginia Code.*

*Passed April 7, 1810,*

*Whereas,*

Whereas experience has evinced,  
That the existing remedy for the sup-  
pression of the barbarous custom of  
duelling is inadequate to the purpose,  
and the progress and consequences of  
the evil have become so destructive as  
to require an effort on the part of  
the Legislature to arrest a vice, the  
result of ignorance and barbarism, jus-  
tified neither by the precepts of morali-  
ty, nor by the dictates of reason. For  
remedy whereof :

*Killing ad-  
versary in a  
duel deemed  
murder.*

*Be it enacted by the acting Governor and  
Judges of the Illinois Territory and it is  
hereby enacted by the authority of the same,  
That any person who shall hereafter  
wittingly and maliciously, or by agree-  
ment fight a duel or single combat  
with any engine instrument or weapon,*

the probable consequence of which might be the death of either party, and in so doing shall kill his antagonist or any other person or persons, or inflict such wound as that the person injured shall die thereof within three months thereafter, such offender, his Aiders abettors &c. aiders, abettors and counsellors being thereof duly convicted shall be guilty of murder and suffer death by being hanged by the neck any law custom or usage of this territory to the contrary notwithstanding.

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

*And be it enacted,* That from and after the passing of this act, every person who shall be appointed to any

Persons ap-  
pointed to  
take oath.

Form of oath

office or place, civil or military in this territory, shall in addition to the oath now prescribed by law, take the following oath. I do solemnly swear or affirm (as the case may be) that I have not been engaged in a duel by sending or accepting a challenge to fight a cue, or by fighting a duel, or in any other manner in violation of the act, entitled an act to suppress duelling, (Since the passage of this act) nor will I be so concerned directly or indirectly in such duel, during my continuance in office, so help me God.

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

Judge or  
Justice to  
apprehend.

*And be it further enacted,* That when any judge or magistrate of this territory has good cause to suspect any person or person are about to be engaged in a duel, he may issue his warrant to bring the parties before him, and if he shall think proper to take of them a recognizance to keep the peace, he shall insert in the condition, that the party or parties shall not during the time for which they were bound, directly or in-

directly be concerned in a duel, either with the person suspected or any other person, within the time limited by the recognizance.

*And be it further enacted,* That if any person or persons, shall for the purpose of eluding the operation of the provisions of this law, leave the territory the person or persons so offending shall be deemed a guilty, and be subject to the like penalties as if the offence had been committed within this territory, if any person shall leave this territory with the intention of giving or receiving a challenge to fight a duel or of aiding or abetting in giving or receiving such challenge and a duel shall actually be fought, whereby the death of any person shall happen, and the person so leaving the territory shall remain thereout, so as to prevent his apprehension for the purpose of a trial, or if any person shall fight a duel in this territory or aid or abet therein, whereby any person shall be killed, and then flee into another state or territory to avoid his trial, in either case it shall be the duty of the executive and they are hereby directed to adopt and pursue all legal steps to cause any such offender to be apprehended and brought to trial in the county where the offence was committed, when the duel shall

Performing the  
tory to  
this  
how  
ed as  
proceed  
against

have been fought within the territory, and when it shall have been fought without the territory then in that county where, in the opinion of the executive, the evidence against the offender can be best obtained and produced upon his trial.

*And be it further enacted,* That it shall be the duty of the attorney general of the territory to give information to the executive whenever a case shall arise which will render the interposition of the executive authority under this act necessary, and the deputies of the Attorney General at the first court which shall be held in which they are to act as prosecuting attorneys, after they have accepted their appointments, shall take the following oath.—I do solemnly swear or affirm, (as the case may be) that I will to the best of my judgment execute the duty imposed on me by the act for suppressing duelling, so help me God.

*And be it further enacted,* That all words which from their usual construction, and common acception are considered as insults, and lead to violence and breach of the peace, shall hereafter be actionable and no plea, exception or demurrer shall be sustained in any court

Words of insult leading to violence and breach of peace actionable

## **DUNKARDS & QUAKERS. 129**

within this territory to preclude a jury from passing thereon, who are hereby declared to be the sole judges of the damage sustained, *Provided* that nothing herein contained shall be construed to deprive the several courts of this territory from granting new trials as heretofore.

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



## **DUNKARDS & QUAKERS.**

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### **AN ACT**

*For the relief of Dunkards quakers and other religious persons conscientiously scrupulous of bearing Arms.*

*Passed Dec. 1, 1813.*

Whereas it has been represented to the general Assembly that there are