

THE
S T A T U T E S O F O H I O

AND OF THE
NORTHWESTERN TERRITORY,

ADOPTED OR ENACTED

FROM 1788 TO 1833 INCLUSIVE:

TOGETHER WITH

THE ORDINANCE OF 1787;

THE CONSTITUTIONS OF OHIO AND OF THE UNITED STATES,

AND VARIOUS PUBLIC INSTRUMENTS AND ACTS OF CONGRESS:

ILLUSTRATED BY

A PRELIMINARY SKETCH OF THE HISTORY OF OHIO;

NUMEROUS REFERENCES AND NOTES,

AND COPIOUS INDEXES.

VOLUME III.

EDITED
BY SALMON P. CHASE.

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[IN FORCE.]

CHAP. DCCCXXXIV.—An act for the prevention of certain immoral practices.*

Sabbath-breaking, how punished; excepted cases.

§ 1. *Be it enacted, &c.* That if any person of the age of fourteen years or upwards, shall be found on the first day of the week, commonly called Sunday, sporting, rioting, quarreling, hunting, fishing, shooting, or at common labor, (works of necessity and charity only excepted,) he or she shall be fined in a sum not exceeding five dollars, nor less than one dollar: *Provided*, nothing herein contained shall be construed to extend to those who conscientiously do observe the seventh day of the week as the sabbath; nor to prevent families emigrating, from travelling; watermen from landing their passengers; superintendents or keepers of toll bridges, from attending and superintending the same; or ferrymen from conveying travellers over the waters, or persons removing their families on such days.

Selling spirituous liquors on Sunday.

§ 2. That if any tavern-keeper or other person shall sell or barter any spirituous liquors on the first day of the week, commonly called Sunday, (except to travellers on a Sunday,) [journey,] such tavern-keeper or other person so offending, shall be fined in a sum not exceeding five dollars.

Disturbing religious societies; judge of common pleas or justice of the peace to proceed against offenders under this act; proviso.

§ 3. That if any person or persons shall at any time interrupt or molest any religious society, or any member thereof; or any persons when meeting or met together, for the purpose of worship, or performing any duties enjoined on, or appertaining to, them, as members of such society: the person or persons so offending shall be fined in any sum not exceeding twenty dollars: and any judge of the court of common pleas, or justice of the peace, within the proper county, shall be, and they are hereby empowered, authorized and required to proceed against, and punish every person offending against the provisions of this act; and upon view and hearing, may, or on information given on oath or affirmation, shall, if need be, issue his warrant to bring the body of the accused before him, and shall inquire into the truth of the accusation; and if guilty, shall enforce the penalty of this act annexed to the offence: and said offender, (if the judge or justice should think necessary,) may be detained in custody, and committed until sentence be performed: *Provided*, That this section shall not be so construed, as to deprive any religious society of the right of laying hands upon the person or persons who may be disturbing the congregation, and turning him or them out of the church or place of worship.

Profane swearing.

§ 4. That if any person of the age of fourteen years and upwards, shall profanely curse or damn, or profanely swear by the name of God, Jesus Christ, or the Holy Ghost; each and every person so offending shall be fined in a sum not exceeding one dollar, nor less than twenty-five cents, for each offence.†

Exciting disturbance at public meeting of citizens.

§ 5. That if any person or persons shall be found making or exciting any contention or disturbance at any tavern, court, election, or other meeting of the citizens for the purpose of transacting or doing any business appertaining to, or enjoined on them; the person or persons so offending shall be fined in a sum not exceeding five dollars, nor less than fifty cents, each, and, if necessary, imprisoned until such meeting shall be ready to disperse: *Provided*, the time for which such person or persons may be so confined, shall not exceed six hours.

Playing bullets or running horses in any street, or shooting in town or village.

§ 6. That if any person or persons shall play bullets along or across any street in any town or village within this state; or if any person or persons shall run any horse or horses within the limits of any such town or village; or if any person or persons shall shoot or fire a gun at a target within the limits of any recorded town plat in this state: every person or persons so offending shall be fined in a sum not exceeding five dollars, nor less than fifty cents.

Keeper of public house keeping or permitting ball or ninepin alley.

§ 7. That if any keeper of a public house, or retailer of spirituous liquors, in this state, shall establish, keep, or permit to be kept, upon his or their lots or premises, any bull [ball] or ninepin alley, or shall, in whole or in part, be interested in any bull [ball] or ninepin alley, upon the lot or premises of another; he or they, upon conviction thereof, shall forfeit and pay to and for the use of common schools in the proper township, not less than ten, nor more than one hundred dollars: and this section shall be construed to extend to any alley

* See O. L. c. 600, 643, 806.

† A person fined before one justice for profane swearing, and arrested and brought before another for the same offence, can only prove a former conviction by a transcript from the record of the justice who assessed the fine. (*Robbins vs. Budd*, 2 O. R. 17.)

denominated a ninepin alley, whether such alley is used for playing therein a greater or less number than nine pins.

§ 8. That if any person or persons shall exhibit any puppet show, wire dancing, or tumbling, juggling or slight of hand, within this state, and shall ask and receive any money, or other property, for exhibiting the same; every such person, so offending, shall forfeit and pay, for every such offence, the sum of ten dollars.

Exhibiting puppet show, tumbling or slight of hand.

§ 9. That if any person shall intentionally deface, obliterate, tear down, or destroy, in whole or in part, any copy or transcript of, or extract from, any law of the United States or this state, or any proclamation, publication, advertisement or notification, whatsoever, set up in any public place, within this state, for the public information of any citizen, by the authority of any law or act of this state; such person shall, on conviction thereof, before any court having jurisdiction of the same, be fined in any sum not exceeding ten dollars, and may be committed to jail for a time not exceeding twenty-four hours, at the discretion of the court.

Defacing or destroying any advertisement or notification.

§ 10. That if any person shall expose or offer for sale, at any place where any religious society of people are collected or collecting together, for the purpose of religious worship, or within one mile thereof, any spirituous liquor, cider or beer; such person may be arrested and detained in custody, not exceeding six hours, at any one time, and shall be fined in any sum not exceeding twenty dollars: *Provided*, that nothing in this act shall affect merchants, licensed tavernkeepers, innkeepers, distillers or manufacturers of cider or beer, selling ardent spirits, cider or beer, at their usual place of vending the same, or at their residence.

Selling liquors within one mile of any religious meeting; proviso as to merchants, tavernkeepers, etc.

§ 11. That any person or persons who shall hereafter confine, or aid or assist in confining, any bull, steer, or other domestic or domesticated animal or animals, either by tying, penning or inclosing the same, for the purpose of bull baiting, bear baiting, or other purpose of torture; or shall aid or assist in torturing the same, when so tied or penned, either by dogs, whips, spears, or other instruments; shall forfeit and pay any sum not exceeding one hundred dollars.

Bull or bear baiting.

§ 12. That if any person or persons shall publicly exhibit, or aid and assist in exhibiting, the game commonly called cock-fighting; such person or persons shall forfeit and pay a fine not exceeding twenty dollars.

Cock-fighting.

§ 13. That if two or more persons shall run a match horse-race or races, in any public road in common use, for the purpose of trying the speed of their horses; every person so offending, on conviction thereof before any justice of the peace in the county, shall be fined in any sum not exceeding five dollars, nor less than one dollar, with costs of prosecution.

Horsereading in public roads.

§ 14. That all fines accruing under the provisions of this act, shall be collected in the name of the state of Ohio, as in other cases of a breach of the peace, and be paid into the township treasury, for the use of common schools in the township in which the offence shall have been committed, within twenty days after collected: and if any officer fail to pay over such fine by him collected, agreeably to the provisions of this act, such officer shall for any such neglect, forfeit and pay into the township treasury, double the amount of any fine or fines by him collected, to be recovered in a summary way before any justice of the peace having cognizance of the same, at the suit of the township treasurer: *Provided*, that all prosecutions under the provisions of this act, shall be commenced within ten days after the offence is committed; except prosecutions against justices of the peace, for not paying over any fine or fines, as aforesaid.

Fines under this act to be paid into county treasury for the use of schools; prosecution to be commenced in ten days.

§ 15. That the act, entitled 'an act for the prevention of certain immoral practices,' passed on the 19th day of January, 1824, and the act amendatory thereto, passed January 22d, 1825, and the 'act to prevent horse-racing on public roads,' passed February 22d, 1830, be, and the same are hereby repealed: reserving to the state all rights which may have accrued by virtue of said acts. This act to take effect from and after the first day of June next. [Passed, February 17, 1831.]

O. L. c. 600, 643, 806, repealed.