

National Gazette.

By PHILIP FRENEAU.

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AUTHENTIC.

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COPIES OF THE LAWS

Passed in the

TERRITORY of the UNITED STATES,

North-west of the River Ohio,

By the Governor and Justices thereof,

Agreeably to the Ordinance of Congress of July 13, 1787, and made out from the Original Records in the Office of the Secretary for the said Territory.

I.

A LAW for Regulating and Establishing the MILITIA in the Territory of the United States, north-west of the River Ohio.
Passed July 25th, 1788.

ALL 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:

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

There shall be appointed to each company, one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, and one fife.

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.

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:

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 whereas, for securing the principles of discipline and obedience, it is necessary to be assemblable 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.

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 compose the senior class. Males above the age of fifty shall be liable to military duty in cases of actual invasion only, and then at the direction of the commander in chief. Officers of civil government, appointed by Congress, or commissioned by the governor, are exempted from the duties aforesaid.

If any male inhabitant shall neglect or refuse to appear at the fixed times and places of parade by this law established, he shall be fined in the sum of twenty-five cents, unless he shall render an excuse to the satisfaction of the commanding officer of his corps. If any male as aforesaid shall neglect or refuse to appear at such time and place as the commander in chief shall specially direct for muster, review, and exercise, he shall be fined in the sum of fifty cents, unless excused as aforesaid.

If any male, as aforesaid, shall neglect or refuse to appear upon the order of the commander in chief, or other officers as aforesaid, 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 heard and determined by the officers of the company to which the offender may belong, and upon conviction, a warrant of distress shall issue from the commander of such company, directed to either of the sergeants of the same, requiring him to collect the fines aforesaid, and pay the same into the treasury of the town, city or county wherein the conviction shall have taken place, within twenty days next after issuing such warrant. For the second and all succeeding offences in the cases before mentioned, the persons charged with having committed the same, shall be heard, tried and sentenced by courts martial.

If any male inhabitant, as aforesaid, shall ne-

glect or refuse to appear and perform his duty under the orders of the commander in chief, against an enemy invading the territory, or shall neglect, 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. 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.

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.

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.

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.

II.

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.

PASSED AUGUST 23d, 1788.

THERE shall be a Court in each County, styled the General Quarter Sessions of the Peace, to be 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 Governor under the Seal of the Territory, which Justices, or any three of them, 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 behavior to keep the peace, or for appearance at a Superior Judiciary, 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 recognizance 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 recognizances for the peace, good behavior 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 recognizance 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 recognizances of the peace, good behavior or appearance, the recognizances 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 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 misdemeanors 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 misdemeanors, 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 dwell, 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 courts, 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 clerks, 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 upon similar penalties, grant subpoenas and other warrants to any place or places within their respective counties.

[To be continued.]

LIBERTY of the PRESS.

Translated Extract from M. Robespierre's speech in the National Assembly, on the 23d of August 1791.

THE liberty of the Press is the only effectual check of arbitrary power. The consequence has been, the uniform endeavour of all such governments to interpret this liberty, as finally to render it a mere nullity. The moment of a revolution is perhaps a time the least reasonable for discussing the great principles upon which the liberty of the press is founded, because at such a time all parties of men are the subjects of the attacks of the press from one quarter or another, and consequently are too fore to reason deliberately on granting it the full extent of liberty it ought to have.

But, let it be the glory of the National Assembly of France to be above prejudice and to disregard all personal considerations—this is the example that has been set before us by the United States of America, on the great question of the liberty of the press.—The liberty of publishing our sentiments is the great bulwark of liberty, and can only be limited, even in the smallest degree, by despotic governments.—Is the press free when it is prohibited from publishing censure and defamation of characters? I think you will agree with me that it is not.—There is no liberty of the press where the author of any piece is liable to arbitrary prosecution—and here I will observe, that there is an essential difference between criminal acts and the offences of the press.—Criminal actions are of a palpable and sensible nature. They can be proved in conformity to certain established rules, and by infallible methods, after which the law can take its course without any mixture of arbitrary proceeding. As to mere opinions, published to the world, their merits or their criminality must always depend upon rational principles, justice, and public interest, and often-times upon a multitude of peculiar circumstances,

which are necessarily productive of great uncertainty. The most particular circumstance, therefore, is necessary in making laws to regulate the liberty of the press. Laws expressly enacted to secure the liberty of the press have always, in the end, proved the infallible means of annihilating it. Recollect, Gentlemen, what has passed under the late French government: under pretence of public good, writers, especially political writers, lived a life of persecution and misery from those whose duty it was to protect them. What were the writings, which, prior to the revolution, were the objects of such marked severity?—The very writings which we at this day admire, and whose authors have been thought worthy the homage of the nation. A proof this, that time and situation alone determine whether an author shall be persecuted or be crowned with honour. Only three years ago the *Social Compact*, was condemned as a treasonable work. John James Rousseau, the man who did the most to bring about the present revolution—that very John James Rousseau, was by a decree of the nation, pronounced a traitor, a man of dangerous principles, a seditious pest—and nothing prevented his neck being brought to the block, but the fears the government began to entertain, in the latter part of his time, of the courage of the patriotic party in France.—But even at this late period, if despotism had only known her remaining strength and influence over the nation, existing by the force of long habit—Rousseau's head would have paid for the services he rendered to mankind, and he would have added one to the number of the illustrious victims whom fanaticism, despotism and tyranny have always considered as too dangerous to their cause to be suffered to live.—Be assured, then, Gentlemen, that nothing is of a more delicate nature, perhaps nothing is more impossible, than to make an equitable law to inflict penalties, for the opinions which men may publish, especially on those matters which are the natural objects of human reason, knowledge and enquiry. What you have done is all that can be done in this case; and that is, to consider him as a criminal, who plainly and explicitly [not by any kind of implication] offends against the spirit of the law.

Further than this you cannot go without infringing the liberty of the press in its essential properties and principles.

From a late French Paper.

TO those who read history it must be fatiguing to observe the odious consequences of *distinction of birth* with all nations who have suffered such distinctions to prevail among them. We may however, gratify our risible faculties when we cast an eye upon the ridicule which has attended those distinctions. Hereditary honours have ever been food for the pen of the satirist, because they are absurd in their very principles.

The essence of family distinction depends upon the feudal law. The moment it falls under the view of the laws of equity and nature it is annihilated. What then shall we think of hereditary honours and titles being put up at sale? When we see a man, composed of the basest materials [provided he has only had low cunning enough to amass a fortune] purchasing afterwards, as it were in the market house, the right of becoming the founder of a noble race, and anticipating among his descendants, lords, dukes, and peers!

The best method to restore those persons to their senses who are admirers of titles, and all the nonsense of quality and nobility, would be to recapitulate the quarrels of Princes with their legal descendants; the disputes of these with