

Repeal. **SECT. 8.** *And be it further enacted by the authority aforesaid, That the act, entitled " An act to oblige the trustees and assignees of insolvent debtors to execute their trusts," passed the twenty-second of January one thousand seven hundred and seventy-four, be, and the same is hereby repealed.*

WILLIAM DAVIDSON, Speaker
of the House of Representatives.

ISAAC WEAVER,
Speaker of the Senate

APPROVED—the twenty-fourth day of March, one thousand eight hundred and eighteen.

WILLIAM FINDLAY.

CHAPTER CLV.

A FURTHER SUPPLEMENT

To the act, entitled " An act for the regulation of the militia of this commonwealth."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That within fifteen days from the first day of May in the year eighteen hundred and eighteen, and in each succeeding year, the captain or commanding officer of each company of the militia shall enroll each person residing within the bounds of his company liable to perform militia duty, and he shall enter the name, age and place of residence of every such person in the roll book; and also take or cause to be taken another list of such persons residing within the bounds of his company, subject to militia duty, who shall omit or decline to be enrolled as aforesaid, who shall be considered as exempts or persons exempted from training with the militia in regiments, battalions and companies, but not as persons exempted from their tour of duty when the militia of this state or any part thereof shall be called into actual service. And every person omitting or declining to make a choice as aforesaid, shall be considered as an exempt, and shall be so entered in the enrolment; and the said exempts shall enjoy the right of appeal, either by themselves or others in their behalf, and have such redress as delinquents have in cases of appeal provided for in this act, and in the twenty-fourth sec-*

Captain or commanding officer to enroll persons within the bounds of his company.

And also to make a list of exempts.

How far they shall be exempted.

Who shall be deemed exempts.

The right of appeal extended to them.

tion of the act to which this is a further supplement; and in all cases where exempts obtain any exoneration as aforesaid, the amount thereof shall be certified under the hand of the president of the court of appeal; which certificate, when presented to the collector of taxes or person appointed by the brigade inspector, as the case may be, shall be received by him as payment of said fine as therein expressed; and the commanding officer of each regiment respectively, shall transmit a list of the names of the officers appointed to hear and determine on appeals for the current year, to the county commissioners on or before the first day of July annually; and the said captain or commanding officer shall, under the penalty of fifty dollars for every such neglect or refusal, yearly on or before the day of regimental or battalion training, deliver or cause to be delivered one complete class list or roll as aforesaid, on oath or affirmation, to the brigade inspector; and it shall be the duty of the said brigade inspector within ten days after he shall have received the said lists or rolls as aforesaid, to deliver or safely to transmit to the commissioners of the proper county, except to the commissioners in the counties mentioned in the second section of this act, and within sixty days thereafter to the Auditor General, to each a true and accurate list of the said exempts as aforesaid, under the penalty of twenty dollars for every neglect thereof, and shall incur a further fine of twenty dollars for every month's delay after the expiration of the said sixty days, to be recovered by the Auditor General for the use of the commonwealth; and thereupon the said commissioners shall annually fine or charge the persons so returned to them as exempts in their respective duplicates the sum of four dollars each, over and above the amount of their taxes, keeping the amount of said fines in a separate and distinct column from the county tax; and it shall be the duty of the said commissioners under the penalty of five hundred dollars each, for every neglect or refusal, to direct and cause the said exempt fines to be collected annually at the same time and in the same manner in which the county tax is directed by law to be collected, except as to the discretion of the exoneration invested in the commissioners in other cases, and in like manner to be paid and received in the treasury of the county; and the county treasurers respectively are hereby directed to keep separate and distinct accounts of all the monies so by them received for exempt fines in pursuance of this act; and the said county treasurers respectively shall settle with the Auditor General, and pay yearly to the State Treasurer such fines from exempts as they shall receive by virtue of this act, under the penalty of two hundred dollars for every such neglect; and the said county treasurers respectively shall be allowed in the settlement of their accounts as aforesaid, five per centum on all monies so received and by them paid to the State Treasurer as aforesaid; and no person

Mode of proceeding when exempts obtain an exoneration.

Duty of the commanding officer of a regiment.

Penalty on the captain, &c. for not delivering yearly a class list to the brigade inspector.

Duty of brigade inspector on receiving the same.

Penalty and fine.

Exempts to be fined four dollars annually by the county commissioners.

Penalty on county commissioners for not causing the exempt fines to be collected annually.

Duty of the county treasurers.

Their allowance as commission.

Right of appeal and exoner-
ation re-
stricted. who may hereafter be placed on the list of exempts, shall have the right to appeal to nor be exonerated from the payment of the fine imposed on exempts by any court or tribunal whatever other than the court of appeals of the proper battalion or regiment within whose bounds such exempt or exempts reside; and it is hereby declared that the county commissioners shall not have, or exercise any power or authority whatever to exonerate or make any allowance or abatement to any exempt or exempts, excepting only in such case in which a certificate of exoneration shall be produced and delivered to such commissioners by any such exempt, under the signature of the president of the proper court of appeals; and any such certificate so produced and delivered to the commissioners of any county, shall be by them preserved in their proper office, and shall be ready to be produced whenever the same may be required to ascertain the fact and ground of such exoneration or otherwise.

Power of
county com-
missioners
defined.

Their duty
on receiving
a certificate
of exoner-
ation.

How exempt
fines in
Bucks, Ches-
ter and Dela-
ware coun-
ties shall be
collected.

Duty of the
brigade in-
spectors.

Duty of the
constable &c.
and penalty
for not col-
lecting such
exempt fines.

Constable to
pay over the
same in sixty
days, deduct-
ing a com-
mission.

Penalty for
neglecting or
refusing.

SEC. 2. *And be it further enacted by the authority afore-
said,* That the fines imposed on those persons who are return-
ed as exempts in the first brigade of the second division com-
posed of the county of Bucks, and of the third division com-
posed of the counties of Chester and Delaware, shall be col-
lected under the direction of the respective brigade inspec-
tors, each of whom shall, as soon as the return of exempts
shall have been delivered to him by the respective captains,
issue his warrant under his hand and seal, directed to the
constable or some other fit person residing within the respec-
tive townships within the bounds of the brigades aforesaid,
commanding him to levy and collect the same; and each of
the constables or other fit person to whom any warrant shall
be delivered, shall be authorised and he is hereby required,
under the penalty of thirty dollars, to call upon each delin-
quent within twenty days from the time of the receipt of such
warrant, and demand payment of the exempt fine stated in
the said warrant against him; and in case the amount of said
fine shall not be paid within twenty days after the day on
which the demand shall have been made, the proper constable
or other fit person shall proceed to collect the said fine or
fines, together with costs, in the same manner and with the
like power and effect as executions of the like amount are on
may be by law levied and collected; and the proper constable
or other fit person shall, within sixty days after the date
of said warrant, pay the amount of the same to the brigade
inspector, after having deducted five per centum on the
amount which shall have been collected, for the services thus
performed; but if any constable or other fit person as afore-
said shall neglect or refuse to pay the sum or sums recovered,
within the time specified, he shall pay the whole amount there-
of to the proper brigade inspector, to be recovered in the
same manner as debts of the like amount are by law recov-
erable; and the said brigade inspectors respectively shall

keep separate accounts of the exempt fines so collected, and shall settle with the Auditor General and pay the same yearly to the State Treasurer, under the penalty of two hundred dollars for every such neglect; and the said brigade inspectors respectively shall be allowed in the settlement of their accounts aforesaid, five per cent. on all monies so received and by them paid to the State Treasurer as aforesaid.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commanding officer of each company, under the penalty of forty dollars, to transmit under oath or affirmation a list of the names of all the absentees and the fines charged for non-attendance on days of training, and also the names of the exempts, to the officers holding the appeals; and the said courts of appeal are hereby enjoined and required, under the penalty of forty dollars each, to make return of all delinquents whose fines shall not be remitted, to the commanding officer of the company, and also transmit a general return to the commanding officer of the regiment, and one copy to the paymaster thereof; and each captain or commanding officer of a company shall receive two dollars per day for making the several returns required of him by this act, and shall attend at the court of appeal and receive the return of the delinquents whose fines shall not be remitted, and shall within twenty days certify to the paymaster the name of the constable to whom he delivered the warrant; and officers holding appeals and regimental courts martial, shall receive each two dollars per day, to be paid by the paymaster of the regiment in which such duty is performed, on orders drawn by the colonel or commanding officer thereof; and each paymaster shall have a book for keeping the accounts, to be paid for out of the regimental fund, and shall, for performing the several duties required of him by this act, receive five per centum on all monies that come into his hands; and officers holding general or brigade courts martial, shall be paid each two dollars per day, by the inspector of the brigade in which such court martial is held, on orders signed by the president of the court martial, to be allowed to such brigade inspector on the settlement of his accounts with the Auditor General; and every paymaster, before he enters upon the duties assigned him by this act, shall give bond to the commanding officer of the regiment, with one or more sufficient sureties, in the penalty of two hundred dollars, and conditioned for the performance of his duties.

SECT. 4. *And be it further enacted by the authority aforesaid,* That for the purpose of levying and collecting as well the fines that shall be incurred for non-attendance on days of training as those which shall be imposed by courts martial, the president of the court martial, if the fine shall have been imposed by a court martial, and the commanding officer of the company, if the fine shall have been incurred for non-attendance on any day or days of training, within ten days

Brigade inspectors to keep separate accounts of such fines, and pay them over annually.

Penalty on commanding officer of a company for not transmitting certain lists to the officers holding appeals.

Allowance to the captain, &c. per day for making returns.

His duty.

Allowance per day to officers holding appeals and regimental courts martial.

Duty of paymaster.

His commission.

Paymaster to give bond with security.

Mode of proceeding to collect fines incurred.

Duty of the president of the court

martial or commanding officer to issue a warrant.

Duty of constable.

Penalty for not calling on delinquents.

Penalty for not paying over the amount of fines contained in the list.

Certain fines excepted.

Board of field officers may exonerate a collector.

Powers and duties of such board.

Duty of paymaster.

after the passing of the sentence or decree of the court martial or court of appeal, shall be obliged, under the penalty of fifty dollars for every neglect or refusal therein, he is hereby enjoined to issue a warrant under his hand and seal directed to some constable or fit person who shall thereby be authorized to act as a constable, commanding him to levy and collect the said fine or fines; and the said constable or other fit person so appointed to collect, shall be authorized and he is hereby required, under the penalty of thirty dollars, to call on every delinquent who shall be named in such warrant or schedule or list thereto annexed, and demand payment of the said fine or fines; and on neglect or refusal to make such payment after demand so as aforesaid made, then the said constable having the said warrant, is hereby required to proceed to collect the said fines, together with costs, in the same manner as executions of like amount are or may be by law levied and collected; but if any such constable or other fit person, for the space of thirty days after the receipt of such warrant, endorsed with the time of delivering the same by the president of the court martial or the commanding officer of the company, as the case may be, shall neglect or refuse to pay unto the paymaster of the regiment the whole amount of the fines in the said schedule or list contained, such constable or other fit person, for every such neglect or refusal, shall forfeit and pay to the said paymaster for the use of the regiment, the amount of all the fines marked on the said schedule or list, which shall not within the said thirty days have been paid over to the proper paymaster, and to be recovered by the paymaster in the same manner as debts of the same amount are by law recoverable; excepting only therefrom such fines as the field officers of the regiment or a majority of them, who are hereby constituted a board for the purpose, and who when sitting as such, shall be under oath or affirmation, and shall annually of the second Monday of December adjudge it to have been impracticable or improper for the said constable or other fit person to collect and obtain; and the said field officers or a majority of them, shall also have power to exonerate any collector of county taxes from such exempt fines as they may adjudge to have been impracticable or improper for the said collector to collect or obtain; and the said field officers or a majority of them, shall have power to meet on their own adjournments to perform the duties required of them; and it shall be the duty of the said paymaster of the regiment, on the second Monday of December annually, to make out a fair and clear statement of his accounts, and lay the same before the field officers, and any two of the captains of the regiment, who shall examine it; and, having certified the balance as it shall appear to them on the said statement, one copy thereof shall remain with the paymaster, and another shall be lodged with the colonel or commanding officer of the regiment; but if any paymaster

shall neglect or refuse to make a statement of his accounts, and compel the collection of the fines in manner aforesaid, or when duly required, shall neglect or refuse to surrender all the papers, books and accounts belonging to his office, to his successor in office, for every such neglect or refusal, of which a regimental court martial shall judge, such paymaster or his executors, administrators or others possessing such books, papers or accounts, shall forfeit and pay for the use of the regiment the sum of one hundred dollars, to be recovered by the quarter master of the regiment. And in all cases arising by virtue of this act, where any delinquents shall neglect or refuse to pay the fine or penalty incurred by him, and no property can be found to satisfy and discharge the same, the constable or other fit person shall take the body of such delinquent and commit him to the common jail of the proper county, until he shall pay the same or be discharged by due course of law: and such constable or other fit person shall be entitled to have and receive ten per centum for all monies by him or them collected and paid over, out of the regimental funds.

Penalty on paymaster for neglect or refusal in certain cases.

How recovered.

Where the body of a delinquent may be taken and committed to jail.

Constable's commission.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all fines and forfeitures incurred by officers under this act for the neglect of duty, where the mode of recovery and the appropriation is not provided for, the same shall be recovered in the same manner as debts of the same amount are by law recoverable, and shall be paid into the regimental treasury.

Fines and forfeitures, how recovered and appropriated.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the paymaster of the regiment shall hold the monies paid over to him according to the directions of this act, subject to the drafts of the colonel or commanding officer of the regiment, to be drawn in the order and for the purposes herein mentioned, to wit: To pay drummers, fifers, trumpeters and buglers, and for the different duties other than those of company and field days, which by this act are imposed upon officers and others, and for which no provision is made, and to defray all such other expenses as a majority of the field officers of each regiment may adjudge to be necessary and useful for the regiment, for promoting military purposes and discipline, and effectuating the ends and purposes of this act.

Monies in the paymaster's hands, subject to the drafts of the colonel or commanding officer of the regiment.

For what purposes they may be drawn

SECT. 7. *And be it further enacted by the authority aforesaid,* That the form of the warrant to be issued by the captain or commanding officer of each company for the collection of fines for non-attendance on days of training, may be as follows: "The Commonwealth of Pennsylvania, to A. B. greeting: Whereas the persons named in the schedule or list hereto annexed, have, by the court of appeals of their proper battalion, been duly sentenced to pay the fines to their names respectively subjoined; this warrant therefore authorises and requires you to demand and receive of all and each of the

Form of the warrant to be issued by the captain or commanding officer of a company.

persons named in the said schedule, the amount of fines to their names respectively annexed : and in case of the refusal of all or any of them to pay the same, then to levy the said debt and costs of the goods and chattels of all or any of the delinquents named in your schedule or list annexed, by distress and sale thereof, returning the overplus, if any, to the owner or owners respectively ; but for want of such effects, then to take the body or bodies of such persons named in the said list respectively, to the jail of the county where the delinquents reside, there to be detained until the fine and costs shall be paid or satisfied, or he or they shall be otherwise legally discharged. Witness my hand and seal, the day of one thousand eight hundred and

C. D. Capt. (L. s.)

To Collector."

Form of the warrant of the president of the court martial.

And the form of the warrant to be issued by the president of the court martial may be as follows : "The Commonwealth of Pennsylvania, to A. B. greeting : Whereas C. D. hath been duly sentenced to pay a fine in the sum of (for disobedience of orders, neglect of duty, &c. as the case may be,) this warrant therefore authorises and requires you to levy the said debt and costs of the goods and chattels of the said

by distress and sale thereof, returning the overplus, if any, to the said but for want of such effects, then take the body of the said and convey him to the jail of the county where the offender resides, there to be detained until the debt and costs aforesaid shall be paid or satisfied, or he shall be otherwise legally discharged. Given under the hand and seal of the president of our said court, the day of one thousand eight hundred and

C. D. President. (L. s.)

To Collector."

Company and troop drilling.

10 days notice to be given.

Battalion training.

1 month's notice to be given.

Proviso.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the militia shall be drilled in companies and troops on the first Monday of May in each year, and at least ten days previous notice thereof shall be given, by advertisements set up in at least three public places within the bounds of said company, by the captain or commanding officer of the company or troop, of the time and place of meeting. And the battalion training in each brigade shall commence on the second Monday of May, and continue from day to day in such order as the brigade inspector shall direct, until the whole number of battalions shall have been trained and exercised, of which training one month's previous notice shall be given by the brigade inspector, and the training shall be held at such place within the bounds of the battalion as the proper major shall direct: *Provided,* That the colonel or commanding officer of any regiment may direct regimental or company training, on any of the days appointed for battalion training.

SECT. 9. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the annual

salary of the adjutant general shall be five hundred dollars; and from and after the first day of April one thousand eight hundred and nineteen, the annual salary of the brigade inspectors respectively, shall be sixty dollars per regiment in the first two regiments, and thirty dollars for each additional regiment; and they shall be allowed yearly for blank forms the sum of fifteen dollars per regiment.

SECT. 10. *And be it further enacted by the authority aforesaid,* That each and every person who shall have been or may

hereafter enroll himself in any volunteer company of light infantry, riflemen, cavalry or artillery, in this commonwealth, and shall equip himself at his own expense, according to the rules and regulations of such company, and shall have served for the term of seven successive years in said company, every such person, upon producing a certificate signed by the officers of such company, and countersigned by the major of the proper battalion, that he has so served for the term aforesaid, thereafter shall be exempt from militia duty, except in time of an invasion, insurrection or actual war; and the said term of seven years shall be considered as having commenced on the first day of January, one thousand eight hundred and eighteen.

Volunteers enrolling and equipping themselves, and serving 7 successive years, exempt from militia duty, except in certain cases.

Time of commencement.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the officers' discipline, as directed by the sixteenth section of the act to which this is a further supplement, shall be and the same hereby is abolished.

Officers' discipline abolished.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the Secretary of the Commonwealth be, and he is hereby authorised and required to cause this act to be printed in pamphlet form, on good paper, and transmit to the brigade inspectors of the several brigades, a number of said pamphlets equal to the number of colonels, lieutenant colonels, majors, captains and regimental staff in each brigade. And the said brigade inspectors on receiving the same, shall distribute one copy to each of the officers as aforesaid, which officers shall respectively deliver the same to their successors in office. And the Secretary shall also transmit two copies to the adjutant general, one copy to each major general, each brigadier general, each brigade inspector, and one copy to the commissioners and the treasurers of each county respectively; and the expense of printing and transmission of said pamphlets shall be settled by the auditor general, and paid in the usual manner.

Secretary of the commonwealth to cause this act to be printed and distributed.

SECT. 13. *And be it further enacted by the authority aforesaid,* That so much of the twentieth section of the act to which this is a further supplement, as authorises the several brigade inspectors to draw upon the State Treasurer for sums of money in advance, together with such other parts of the said act, and such parts of the supplement thereto, passed the nineteenth day of March, one thousand eight hundred and sixteen, as are hereby altered or supplied, be, and the same are hereby repealed: *Provided,* That all the provisions of the

Repeal of part of a former law.

Proviso.

said acts relative to the collection of fines or penalties arising under the said acts, be, and the same are hereby continued, so far as may be necessary for the collection and recovery of the said fines and penalties.

WILLIAM DAVIDSON, *Speaker*
of the House of Representatives.

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the twenty-fourth day of March, one thousand eight hundred and eighteen.

WILLIAM FINDLAY.

CHAPTER CLVI.

AN ACT

Authorising Patton Ross to erect wharves in the river Susquehanna, opposite the town of Washington, in Lancaster county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Patton Ross, of the county of Lancaster, be, and he is hereby authorised to erect and establish wharves and docks on the river Susquehanna, opposite the town of Washington, in the county of Lancaster, on his own property from time to time, as may be necessary and expedient for the accommodation of arks, rafts and boats navigating the said river: Provided, That the same shall not extend more than ten feet beyond low water mark in said river, nor impede or injure the navigation thereof, or the landings at the said place.*

Proviso.

WILLIAM DAVIDSON, *Speaker*
of the House of Representatives.

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the twenty-fourth day of March, one thousand eight hundred and eighteen.

WILLIAM FINDLAY.