

CHAPTER CCII.

An ACT directing the manner in which certain money appropriated in aid of the Milford and Owego turnpike road shall be expended.

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 when it shall appear to the satisfaction of the governor, that twenty miles of the Milford and Owego turnpike road shall be finished and completed within the bounds of the county of Wayne, commencing at or near the river Delaware, where the intended bridge is to be built across said river, he shall draw his warrant on the state treasurer in favour of the president and managers of said turnpike road, for the sum of ten thousand dollars, which sum the state treasurer is hereby required to pay.

When the governor shall draw his warrant on the treasury in favour of the President and managers of the Milford and Owego turnpike road.

JOHN TOD, *Speaker*
of the House of Representatives.

F. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-ninth day of March, one thousand eight hundred and thirteen.

SIMON SNYDER.

CHAPTER CCIII.

A further SUPPLEMENT to the act, for the regulation of the militia of the commonwealth of Pennsylvania.

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 upon any call or draft of the militia the several brigade inspectors shall provide and furnish all such necessary rations as the said draft may require, until they shall arrive at the place of general rendezvous; and they shall respectively keep regular accounts of the same, which shall be vouchers in settling such accounts with the accountant officers, and when such accounts are settled they shall be refunded and paid out of the state treasury: *provided*, that if it shall at any time be satisfactorily proven to the governor, on the decision of a court martial, that any brigade inspector has improperly neglected or refused to perform his duty, then the governor is hereby authorized and required to remove such brigade inspector from office, and appoint another to fill such vacancy. And that when any detachment of militia are called into the service of the United States, it shall be the duty of the adjutant general to attend at the place of general rendezvous, and organize the detachment into companies, battalions and regi-

Upon a call or draft of the militia, the brigade inspector's duties.

Provided.

Adjutant general to organize detachments.

Officers to be ascertained by lot.

In what cases the governor shall appoint officers.

How and when officers shall be chosen.

Auditor general to settle accounts of supernumerary officers.

Adjutant general to appoint an assistant in certain cases.

ments, agreeably to the rules which may be prescribed by the commander in chief; and if there should be a redundancy of officers that marched to the place of rendezvous, those who are to be retained in the service shall be ascertained by lot to be drawn by the officers of the same grade, in the presence of the adjutant general; and if there should not be a sufficient number of captains or subalterns to complete the organization as aforesaid, the adjutant general shall direct that the proper number be supplied by elections by those whom he may designate to compose the respective companies; but the lieutenants that marched to the place of rendezvous shall be considered as first lieutenants; and when colonels shall be necessary, or if there should not be a sufficient number of lieutenant-colonels or majors at the place of rendezvous, they shall respectively be appointed by the governor; and when the whole or any part of the detachment shall be composed of volunteers, and it may be necessary, in order to conform to the rules of the commander in chief as aforesaid, to form two or more companies into one, an equal proportion of the officers of the original companies (or as nearly as may be) from which the company may be formed, shall be assigned to its command by such mode as the adjutant general shall think best adapted to promote harmony and discipline; and if there should not be a sufficient number of officers for the volunteer companies, the number shall be supplied in the same manner that company officers in the militia are to be supplied; and if there should be a redundancy of officers, those who are to be retained are to be ascertained by lot as aforesaid, and when the supernumerary officers are ascertained at the general rendezvous they shall be dismissed by the adjutant general, who shall report to the auditor general, their names, rank and residence, and the time they were in the service, which shall commence two days previous to their marching, and allow a reasonable time for returning home; and he shall also state the rations they retained or drew, and they shall be paid agreeably to their respective rank for such time, and their retained rations, by the state treasurer on accounts settled in the usual manner; and all commissions for officers elected or appointed in pursuance of this act shall cease with the termination of the tour of duty of the proper detachment, except the commissions of such officers as may be taken prisoner and held in captivity by the enemy beyond that period. And in case two detachments be called into actual service as aforesaid, about the same time, and to rendezvous at different parts of the state, so that the adjutant general cannot attend both, he shall be, and he is hereby authorized to appoint an assistant, who shall organize one of the detachments in the manner aforesaid; and the adjutant general shall receive

for the time necessarily spent in travelling to and from the place of general rendezvous and in organizing a detachment, the pay and emoluments of a brigadier general, to be paid by the state treasurer on accounts settled by the accounting department; and his assistants shall receive for the like services, and in the same manner, the pay and emoluments of a lieutenant colonel. And all commissions of officers appointed or elected under the provisions of this act, shall bear date as of the third day of August, one thousand eight hundred and eleven.

Date of commissions.

SECT. II. *And be it further enacted by the authority aforesaid,* That in case of actual or threatened invasion of any part of this commonwealth, the major general residing in the neighbourhood thereof is hereby authorized to call into actual service and to organize such portion of the volunteers or militia within his division, as in the opinion of such major general the public safety may require, for any period not exceeding thirty days, unless by the consent of the commander in chief: *provided,* that it shall be the duty of the major general who may call out, or be about to call out a portion of the volunteers or militia of his division, immediately to communicate to the governor of this commonwealth all the information, upon the authority of which he anticipated an invasion, or a threat of an invasion.

In case of an invasion the major general to call out the militia.

Provido.

SECT. III. *And be it further enacted by the authority aforesaid,* That whenever any officer, non-commissioned officer or private of the militia of this commonwealth shall be called into the service of the United States, he shall be subject to the same penalties for disobedience of orders, as the troops in the regular army of the United States.

Militia subject to the same penalties of the U. S. army.

SECT. IV. *And be it further enacted by the authority aforesaid,* That whenever any detachment of the volunteers or militia shall be called into actual service, the governor shall select such general officer or officers as the nature of the case shall require, to proceed to the place of rendezvous, and to take the command of the troops so called into service. The officer who shall be selected for the chief command shall immediately proceed to organize the detachment, and to have the rank of all officers who may be of the same grade decided by lot.

Governor to select general officer.

His duty.

SECT. V. *And be it further enacted by the authority aforesaid,* That when any portion of the militia shall be called into actual service, the officers entitled to the command of regiments, battalions, or companies, shall be selected agreeably to the grades they hold in brigades, regiments, battalions and companies; and in order to prevent any doubt, or difficulty respecting the meaning of the words grade and rank, the officers of the militia of this commonwealth shall observe the following regulations for fixing the military meaning thereof: *first,* all officers bearing the same denomination of rank in regiments shall be held to be of the same grade. *Second,* all officers of the same grade

Regulation for detachments of the militia.

shall hold rank according to the dates of their respective commissions. *Third*, all officers of the same grade where commissions shall bear equal date, shall hold rank according to the numbers to be drawn by lot, whenever they or any of them shall meet on command, if their rank shall not have been thus previously decided, the officer or officers drawing the first or lowest number or numbers to be highest in rank.

Pay of non-commissioned officers.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the volunteers or militia of this commonwealth or any part thereof, when called into the actual service of the United States shall, together with the pay allowed by the United States, receive such additional compensation from this commonwealth as shall make the pay of each sergeant twelve dollars per month, the pay of each corporal eleven dollars per month, and the pay of each private and musician ten dollars per month, which additional pay shall be paid in the manner that is provided by the seventh section of this act for the payment of the militia when performing a tour of duty, under the authority of this state.

Pay of officers.

SECT. VII. *And be it further enacted by the authority aforesaid,* That when the volunteers, or militia of this commonwealth, shall be called out to perform a tour of duty under this state, and not in the service of the United States, the commissioned officers shall receive the like pay and rations as are or shall be provided by the United States for the regular troops in their service; and the non-commissioned officers and privates shall receive the like pay as is directed by the sixth section of this act, to be paid out of the treasury of this state by the governor on warrants to be drawn by him in favour of a paymaster or paymasters by him to be appointed from time to time as he may deem necessary; and it shall be the duty of said paymaster or paymasters before they enter into such service; to give bonds to the governor with sufficient sureties, conditioned for the faithful performance of their duties respectively.

Governor to draw his warrant for that purpose.

Paymaster to attend at the camp.
And receive rolls,
Sec.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said paymaster or paymasters to attend at the proper camps at the expiration of the time of service of any such volunteers or militia as aforesaid, and it shall be the duty of the colonel or commanding officer of each regiment or battalion, and also of the captain or commanding officer of each company, to furnish such paymaster with complete lists or rolls, certified under their hands respectively, of all the commissioned and non-commissioned officers and privates under their respective commands, which lists or rolls shall be countersigned by the colonel or commanding officer of the proper regiment.

SECT. IX. *And be it further enacted by the authority aforesaid,*

That such paymaster or paymasters shall receive such compensation for their service, as the governor and accountant officers shall deem just and reasonable, in proportion for the service they may respectively have performed.

Compensation of paymaster to be divided by the governor.

SECT. X. *And be it further enacted by the authority aforesaid,*

That from and after the time of any officer, non-commissioned officer or private, receiving notice to march to the proper place of general rendezvous during the time they are in actual service under a requisition from the president of the United States, or in pursuance of the orders of the commander in chief of the militia of this commonwealth, no execution or other civil process shall issue against his person or his real or personal estate, nor shall any such process issue against him until thirty days after he shall have been discharged, and the court, alderman or justice of the peace from which or from whom any such process shall have issued shall quash the same as soon as the fact of the notice aforesaid or absence of any such person on public duty, shall have been proven; and all the costs which shall have accrued in commencing or conducting any such process shall be paid by the person or persons who shall have applied for the said execution, or other process.

No process to issue against any militia man for a given period.

SECT. XI. *And be it further enacted by the authority aforesaid,*

That the commissioned and staff officers shall each receive one dollar per day for every day they shall be employed in training agreeably to the forty-second section of the act to which this is a supplement, holding appeals and making returns to the brigade inspectors and to the boards of appeals, to be paid by warrants drawn by the proper colonel or commanding officer of the regiment, on the proper paymaster: *provided*, that if there shall not be money sufficient in the respective regimental funds to pay such officers and other expenses of the regiment, then it shall be the duty of the colonel or commanding officer of the regiment and paymaster thereof to make out a correct statement, under their hands, of all such deficiencies, particularly stating the amount and to whom such sums may be due for their services as aforesaid, and certify the same to the commissioners of the proper county, whose duty it shall be to issue their orders on the proper county treasurer, who shall pay the same out of the tavern licenses or exempt fines, for which he shall be allowed in the settlement of his accounts with the state treasurer. *And provided also*, that if the monies received in any regimental fund should be more than is necessary to pay the officers as aforesaid and defray the necessary expenses of the regiment according to law, then it shall be the duty of the colonel or commanding officer of such regiment, after the annual regimental settlement, to order and cause the proper paymaster to transmit such overplus money to the treasurer of the proper county, who shall

Commissioned and staff officers pay for training.

Proviso.

Proviso.

pay over the same to the state treasurer, who shall keep separate accounts of the same.

Lieutenant colonel to nominate in case of refusal to act.

SECT. XII. *And be it further enacted by the authority aforesaid,* That if any company or troop after due notice shall at any time neglect or refuse to elect their officers, or if after any company or troop shall have twice successively elected officers, any or all of the persons so elected shall refuse or neglect to serve, or if after having consented to serve, shall within three months thereafter resign, the lieutenant colonel or commanding officer of the regiment, within the bounds of which such neglect, refusal or resignation shall have taken place, shall nominate a suitable person or persons to the governor of this commonwealth to fill the vacancy or vacancies, and such person or persons shall be appointed to the station or stations for which he or they shall have been recommended, whether the person or persons so nominated shall or shall not reside within the bounds of the proper regiment; and the said appointment or appointments shall be as valid as any appointment or appointments after an election: *provided*, that if a suitable person or persons to fill a vacancy or vacancies shall reside within the bounds of the proper company, troop or regiment, a preference shall be given to such person or persons.

Proviso,

Of exempt.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That no able bodied white male person, of proper age to serve in the militia of this commonwealth (except such as are exempted by the third section of the act to which this is a further supplement) shall be exempt from military duty on any other terms than by paying an equivalent equal in amount and in like manner as fines are payable by other persons enrolled in the militia.

Of persons imprisoned for fines created by this act.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That in all cases where any person is committed to prison for any fine under this act or the acts to which this is a supplement, the constable or other person executing the warrant or other process, shall leave a certified copy thereof with the sheriff or prison keeper, and the said certified copy shall be as valid to detain the said person in prison as the original warrant or other process.

Governor to issue his warrant in cases of emergency

SECT. XV. *And be it further enacted by the authority aforesaid,* That in all cases of emergency where money may be wanted to organize, furnish or supply the volunteers or militia of this commonwealth who may be called into actual service, the governor is hereby authorized to draw his warrant on the state treasurer for such sum or sums of money and to dispose of it in such manner as the exigency of the case may require.

Repealing section.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement and the

supplements thereto, as is hereby altered or supplied, be and the same is hereby repealed.

JOHN TOD, *Speaker*
of the *House of Representatives.*

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-ninth day of March, one thousand eight hundred and thirteen.

SIMON SNYDER.

CHAPTER CCIV.

A SUPPLEMENT to the act, entitled, "An act to establish a Board of Wardens for the Port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned."

SECT. I. *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* from and after the passage of this act, until the war at present existing between the United States and Great Britain shall, by the proclamation of the president of the United States, be declared to have ceased, each and every pilot of an inward bound vessel who shall go on board and take charge of such vessel without or at the entrance of the capes of the bay of Delaware, and shall conduct such vessel to her port of destination in the river Delaware in safety, shall receive an advance of sixty-six and two-thirds per centum on the rate of pilotage, which is fixed by the act to which this is a supplement.

Additional allowance to pilots during the present war.

SECT. II. *And be it further enacted by the authority aforesaid, That* until the present war shall have been declared to have ceased as aforesaid, each and every pilot of each and every outward bound vessel who shall conduct such vessel to the capes of Delaware in safety, shall receive in addition to the pilotage heretofore allowed by law, thirty-three and one third per centum upon the amount of such pilotage.

Pilots conveying outward bound vessels to receive additional compensation.

SECT. III. *And be it further enacted by the authority aforesaid, That* until the present war shall have been declared to have ceased as aforesaid, if any first rate pilot, who shall in consequence of stress of weather or other unavoidable accidents be carried to sea in any ship or vessel contrary to his inclination, the master, owner or consignee of such ship or vessel shall pay to such pilot or to his executors or administrators, the sum of sixty dollars per month until the return of the said pilot to the capes of Delaware, or in case he shall die whilst so absent, then to the time of his death. There shall be paid in like

In case a first rate pilot shall be carried to sea, in any vessel by stress of weather or otherwise, the master, &c. of such vessel shall pay 60 dollars per month, &c.