

August, one thousand eight hundred and thirteen, and to apply the proceeds to finish their church and school house.

JOHN ST. CLAIR, *Speaker of the House of Representatives.*

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

APPROVED—the twenty-eighth day of March, one thousand eight hundred and fourteen.

SIMON SNYDER.

CHAPTER CLXXXIX.

An ACT for the regulation of the militia of this commonwealth.

MILITARY DIVISIONS.

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 the territory of this commonwealth shall be, and it is hereby divided into sixteen military divisions; each division to comprehend two brigades, and each brigade to comprehend as many regiments as can be organized within the bounds thereof, according to the principles hereinafter prescribed. The divisions and brigades shall be numbered and organized as nearly as may be as follows:

The state divided into sixteen military divisions.

- 1st division. { 1st brigade. City of Philadelphia.
2d County of Philadelphia.
- 2d division. { 1st brigade. County of Bucks.
2d County of Montgomery.
- 3d division. { 1st brigade. County of Delaware
2d County of Chester.
- 4th division. { 1st and 2d } County of Lancaster as now divided.
brigades.
- 5th division. { 1st brigade. County of York.
2d County of Adams.
- 6th division. { 1st brigade. Counties of Dauphin and Lebanon.
2d Counties of Berks and Schuylkill.
- 7th division. { 1st brigade. Counties of Northampton and Pike.
2d County of Lehigh.
- 8th division. { 1st brigade. Counties of Northumberland, Union
and Columbia.
2d Counties of Luzerne, Susquehanna and
Wayne.
- 9th division. { 1st brigade. Counties of Lycoming, Potter and
M'Kean.
2d Counties of Bradford and Tioga.
- 10th division. { 1st brigade. Counties of Mifflin and Centre.
2d Counties of Huntingdon and Clearfield.
- 11th division. { 1st brigade. County of Cumberland.
2d County of Franklin.
- 12th division. { 1st brigade. County of Bedford.
2d Counties of Somerset and Cambria.
- 13th division. { 1st brigade. County of Westmoreland.
2d County of Fayette.

- 14th division. { 1st brigade. County of Washington.
 2d. County of Greene.
- 15th division. { 1st brigade. County of Allegheny.
 2d. Counties of Armstrong, Indiana and Jefferson.
- 16th division. { 1st brigade. Counties of Beaver and Butler.
 2d. Counties of Mercer, Crawford, Erie, Venango and Warren.

OF THE MILITIA.

Who shall be enrolled in the militia.

SECT. II. *And be it further enacted by the authority aforesaid,* That each and every free able bodied white male person who shall have resided within this commonwealth twenty days, who is or shall be of the age of eighteen years and under the age of forty-five years, except as shall be hereafter excepted, shall be enrolled in the militia of this commonwealth. The vice president of the United States, officers judicial and executive of the government of the United States, the members of both houses of congress and their respective officers, all custom-house officers with their clerks, all post officers and stage drivers employed in the care and conveyance of the mail of the United States, all ferrymen employed at any ferry on the post roads while they remain such, all inspectors of exports, all pilots, all mariners actually employed in the sea service of any citizen of the United States, ministers of religion of every denomination, professors and teachers in the university, colleges, academies and schools, while they are actually employed as such, judges of the supreme court and of the courts of common pleas, menial servants of ambassadors, ministers and consuls from foreign states, sheriffs, jailors and keepers of work-houses, shall be, and they severally are exempted from militia duty, notwithstanding they may be above the age of eighteen, and under the age of forty-five years.

Who shall be exempt from militia duty.

ENROLMENT.

Brigade inspectors to furnish their successors with returns &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That as soon as the brigade inspectors who shall be in office at the date of the passage of this act shall have received the returns which captains of companies are now by law required to furnish, they shall respectively furnish one copy thereof to their successors in office; and the several persons who shall have been appointed brigade inspectors by the governor agreeably to the provisions of this act, shall immediately after they shall have received the said returns cause them to be entered or copied at large in books to be procured and kept for that especial purpose, so that a full and complete return of all the enrolled militia within each brigade may be had, comprehending the name, age and place of residence of each and every person so enrolled or liable to be enrolled. Within twenty days from the first day of April, in the year one thousand eight hundred and fifteen, and in each succeeding year, the captain or commanding officer of each and every company of the militia shall enrol each and every person residing within the bounds of his company and liable to perform militia duty, and he shall enter the name, age and place of residence of each and every such person in the roll book.

Who shall have them entered in a book kept for that purpose. Also, the age, &c. of each militia man.

Captains to enrol every person residing within the bounds of his company.

Whenever any doubt shall arise respecting the age or the place,

or term of residence of any person enrolled or intended to be enrolled in the militia, his age shall be entered at eighteen years and his residence considered to be within the bounds of the company in which he shall have been thus enrolled, unless he shall prove to the satisfaction of the captain or commanding officer of the said company that he ought not to be so enrolled, his age thus stated, or his residence thus determined; and in case it shall appear that he ought to be enrolled in any other company, the captain or commanding officer aforesaid shall notify the brigade inspector thereof, and the said inspector shall cause such person to be correctly enrolled accordingly.

How the age and residence of any person shall be determined, &c. Unless, &c.

The several captains or commanding officers of companies of militia shall annually deliver or cause to be delivered to the inspectors of their respective brigades within twenty days after they shall have commenced the enrolments directed by this act, a complete class list or roll of the militia within the bounds of their several companies, which lists or rolls shall have been severally certified on oath or affirmation by the said captains or commanding officers respectively before some commissioned officer or justice of the peace.

Captains to furnish the brigade inspectors with militia rolls.

Each captain or commanding officer of a company shall receive as a compensation for his services in taking and furnishing the said class list or roll, the sum of one dollar for each day necessarily employed in executing that duty, to be paid by the proper brigade inspector on the delivery thereof.

Compensation for such service.

CLASSIFICATION OF THE MILITIA.

SECT. IV. *And be it further enacted by the authority aforesaid,* That on the fourth Monday of October next each company of each regiment of the militia of this commonwealth shall be divided into ten classes, the number of each class shall be determined by lots to be drawn in the presence of the proper captain or commanding officer: that class which shall have drawn the first or lowest number shall be the first to serve, and this principle shall regulate the remaining classes.

When companies shall be divided into classes. And how determined.

When called into service, the classes shall have the officers hereinafter mentioned, that is to say:

First draft. The captain of the first company, the first lieutenant of the second, the second lieutenant of the third, and the ensign of the tenth.

Company officers of the first draft.

Second draft. The captain of the second company, the first lieutenant of the third, the second lieutenant of the fourth, and the ensign of the ninth.

Second draft.

Third draft. The captain of the third company, the first lieutenant of the fourth, the second lieutenant of the fifth, and ensign of the eighth.

Third draft.

Fourth draft. The captain of the fourth company, the first lieutenant of the fifth, the second lieutenant of the sixth, and the ensign of the seventh.

Fourth draft.

Fifth draft. The captain of the fifth company, the first lieutenant of the sixth, the second lieutenant of the seventh, and the ensign of the sixth.

Fifth draft.

Sixth draft. The captain of the sixth company, the first lieutenant of the seventh, the second lieutenant of the eighth, and the ensign of the fifth.

Sixth draft.

Seventh draft.

Seventh draft. The captain of the seventh company, the first lieutenant of the eighth, the second lieutenant of the ninth, and the ensign of the fourth.

Eighth draft.

Eighth draft. The captain of the eighth company, the first lieutenant of the ninth, the second lieutenant of the tenth, and the ensign of the third.

Ninth draft.

Ninth draft. The captain of the ninth company, the first lieutenant of the tenth, the second lieutenant of the first, and the ensign of the second.

Tenth draft.

Tenth draft. The captain of the tenth company, the first lieutenant of the first, the second lieutenant of the second, and the ensign of the first.

BOUNDS OF BRIGADES, REGIMENTS, BATTALIONS, AND COMPANIES.

The bounds of each brigade to be ascertained by the brigadiers general, &c.

SECT. V. *And be it further enacted by the authority aforesaid,* That as soon as the governor shall have made the appointments directed by this act to be made, the major general of the proper division, the two brigadiers general and the two brigade inspectors of each division respectively, shall meet at a time and place which the proper major general is hereby directed to prescribe, and they shall then and there define the bounds of the two brigades comprehended within the proper division, in such a manner as that there shall be in each brigade if practicable an equal number of enrolled militia.

Bounds of regiments and battalions, how defined.

As soon as the bounds of the several brigades shall have been defined as above directed, the brigadier general and the brigade inspector of each brigade respectively, shall define the bounds of each regiment and battalion within their respective brigades, in such manner as that there shall be in each the number of enrolled militia prescribed by this act as necessary to form a regiment or battalion.

Field officers to define the bounds of companies.

As soon as the regimental and battalion bounds of the enrolled militia shall have been defined as above directed, and as soon as the field officers of each regiment thereupon to be elected shall have been chosen, the field officers of each regiment respectively shall define the bounds of the several companies, and this shall be done in such a manner as that there shall be in each, as nearly as may be, the number of men prescribed by this act as necessary to form a company, and that the said bounds shall be as compact as may be.

EQUALIZATION OF BRIGADES, REGIMENTS, BATTALIONS AND COMPANIES.

Brigades, regiments, &c. how equalized.

SECT. VI. *And be it further enacted by the authority aforesaid,* That whenever the brigadiers general and brigade inspectors of any military division shall have ascertained that the number of regiments within the two brigades, or that the number of men in the several regiments may be rendered more equal by attaching a part of the enrolled militia of one brigade to any regiment or regiments of the other brigade, they shall make the fact known to the general of their proper division, and he shall cause the proper number of enrolled militia to be attached accordingly.

When a re-organization of regiments and battalions shall take place.

Whenever the number of enrolled militia within the bounds of any regiment or battalion shall so far exceed the proper number of either as in the opinion of the proper brigadier general to warrant a re-organization, the inspector of the proper brigade shall re-organize the

companies composing such regiment or battalion, either by forming new companies or by increasing the number of men in such companies as may not be full, always taking care that the men detached shall be those who shall reside nearest to the bounds of the regiment or battalion to which they may be attached.

In case any necessity or inconvenience shall arise relative to the equalization of brigades, regiments, battalions or companies, for which no provision is made in this act, the inspector of the brigade in which it may have arisen shall inform the proper major general thereof, who shall direct in what manner the necessity or inconvenience shall be obviated.

How inconveniences in equalizations shall be obviated.

COMPANIES AND TROOPS.

SECT. VII. *And be it further enacted by the authority aforesaid,* That companies of artillery, light infantry, riflemen and infantry shall be organized in the following manner: that is to say,

Artillery, light infantry, riflemen, &c. how organized.

There shall be in each company of artillery one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two musicians, eight artificers and at least forty privates.

Number of officers and privates in artillery companies.

There shall be in each company of light infantry one captain, one first lieutenant, one second lieutenant, one ensign, four sergeants, four corporals, two musicians and at least forty-five privates.

In light infantry companies.

There shall be in each company of riflemen, one captain, one first lieutenant, one second lieutenant, one ensign, four sergeants, four corporals, two musicians and at least forty-five privates.

In rifle companies.

There shall be in each company of infantry, one captain, one first lieutenant, one second lieutenant, one ensign, five sergeants six corporals, two musicians and ninety privates.

In companies of infantry.

Troops of cavalry or dragoons shall be organized in the following manner. There shall be in each troop, one captain, one first lieutenant, one second lieutenant, one cornet, four sergeants, four corporals, two musicians, one master of the sword, one saddler, one farrier, one blacksmith, and at least thirty-two privates.

Number of officers, &c. in each company of dragoons & cavalry.

REGIMENTS.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That regiments of artillery, riflemen and infantry shall be organized in the following manner, that is to say:

There shall be in each regiment of artillery ten companies as heretofore enumerated, and there shall be the following regimental and staff officers in each regiment, that is to say: one colonel, one lieutenant colonel, two majors, one adjutant, one paymaster, one surgeon, one surgeons' mate, and two principal musicians, so that the whole number of regimental, staff and non-commissioned officers, musicians and privates in each regiment of artillery, shall be at least six hundred and seventeen.

Number of companies to form a regiment of artillery.

Regimental and staff officers.

There shall be in each regiment of riflemen and each regiment of light infantry ten companies as heretofore enumerated, and there shall be the following regimental and staff officers in each regiment, that is to say: one colonel, one lieutenant colonel, two majors, one adjutant, one quartermaster, one paymaster, one surgeon, one surgeons' mate, one sergeant major, one quarter master sergeant, and two principal musicians, so that the whole number of regimental, staff and non-commissioned officers, musicians and privates in each regi-

Number of companies to form a regiment of riflemen and light infantry.

Regimental and staff officers.

ment of riflemen and in each regiment of light infantry, shall be at least six hundred.

Number of companies to form a regiment of infantry, Regimental and staff officers,

There shall be in each regiment of infantry ten companies of at least one hundred and eight men each, as heretofore enumerated, and there shall be the following regimental and staff officers in each regiment, that is to say: one colonel, one lieutenant colonel, two majors, one adjutant, one quartermaster, one paymaster, one surgeon, one surgeon's mate, one sergeant major, one quartermaster sergeant, and two principal musicians, so that the whole number of regimental, staff and non-commissioned officers, musicians and privates in each regiment of infantry, shall be at least one thousand and ninety-four.

Number of companies to form a regiment of cavalry and dragoons, Regimental and staff officers.

There shall be in each regiment of cavalry or dragoons eight troops, as heretofore enumerated, and there shall be the following regimental and staff officers in each regiment, that is to say: one colonel, one lieutenant colonel, two majors, one adjutant, one quartermaster, one paymaster, one surgeon, one surgeons' mate, one sergeant major, one quarter master sergeant, one riding master, and two principal musicians so that the whole number of regimental, staff and non-commissioned officers, musicians and privates in each regiment of cavalry, shall be at least four hundred and eleven.

Adjutant general to number and ascertain rank of regiments.

When the adjutant general shall have ascertained the number of regiments of enrolled militia within this commonwealth, he shall number the same, and the rank of the several regiments shall be decided by their numbers respectively, reckoning the first or lowest number highest in rank.

Adjutant general to form regiments, &c. of riflemen and artillery with each division if there is a sufficient number—to be distinctly disciplined.

Whenever there shall be within the bounds of any division a sufficient number of companies of riflemen or artillery to constitute a regiment or battalion of either, or a sufficient number of troops of cavalry or dragoons to constitute a regiment or squadron, the adjutant general shall cause any and every such description of troops to be distinctly organized and disciplined accordingly; but if there shall not be a sufficient number of companies or troops to warrant such an organization, the companies and troops shall be separately organized and disciplined.

APPOINTMENT OF OFFICERS.

Officers to be appointed by the governor,

SECT. IX. *And be it further enacted by the authority aforesaid,* That the governor be and is hereby authorized and required as soon as conveniently may be after the passage of this act, to commission persons competent to execute in an efficient manner the duties of the following stations in the militia of this commonwealth. One adjutant general for the whole of the militia of this commonwealth; one major general for each of the sixteen divisions into which the territory of this commonwealth is hereby formed, and one brigadier general and one brigade inspector for each of the brigades established by this act. And it shall at all times hereafter be the duty of the governor of this commonwealth to supply any vacancy or vacancies which may from time to time take place in any of the offices which he is hereby authorized and required to fill.

Who shall also supply vacancies that may occur.

Adjutant general shall make returns of elections to the governor.

As soon as the certificates of the elections hereinafter directed to be held shall have been received by the adjutant general, he shall make a return thereof to the governor, who shall thereupon issue commissions to the persons who shall have been elected, and the ad-

jutant general shall transmit the commissions for all the officers of each brigade to the proper inspector thereof for delivery.

The staff of each regiment shall be appointed by the colonel Or Colonels to appoint the staff of each regiment, commanding officer thereof, and the adjutant, paymaster and quartermaster shall be taken from the subalterns of the line. All non-commissioned officers of companies or troops shall be appointed by the captains or commanding officers thereof. And it is hereby enjoined upon all officers whose duty it may be to select non-commissioned officers, to be particularly careful to choose the most intelligent and discreet from amongst the privates. Captains to appoint all non-commissioned officers.

Nothing in this act contained shall be taken or construed to prevent the governor from removing from office the adjutant general, or any brigade inspector, whenever a change may, in his judgment have become necessary. The governor may remove the adjutant general &c. whenever he thinks it necessary.

ELECTIONS OF OFFICERS.

SECT. X. *And be it further enacted by the authority aforesaid,* That as soon as the bounds of the several regiments and battalions of militia within each brigade shall have been defined as is directed by the fifth section of this act, the enrolled militia within the bounds of each regiment shall be publicly notified by the inspector of their proper brigade to meet at a time and place to be in the said public notice specified, which time shall not be less than twenty days after the date of such notice, and which place shall be as near the centre of the bounds of each regiment respectively as conveniently may be, then and there between the hours of ten in the forenoon and six in the afternoon to elect by ballot one colonel, one lieutenant colonel and two majors. The election for field officers of each of the regiments in each brigade, shall be held on a distinct day. Prior to the opening of the election for each regiment, the brigade inspector shall appoint two respectable citizens to act as judges thereof, who shall take to their assistance two clerks. The said inspector shall swear or affirm the said judges and clerks to conduct the election fairly and impartially, and he shall superintend the election; and when it shall have been closed, the persons so appointed judges shall make out and deliver to the brigade inspector two certificates duly signed by them, setting forth the result of the election, one whereof he shall file in his office, and the other shall be immediately transmitted by him to the adjutant general. When and where the enrolled militia shall elect field officers. The brigade inspector shall appoint two judges and other officers for such election. Who shall be sworn or affirmed. Certificates of elections shall be made out for the brigade inspector one of which shall be transmitted to the adjutant general.

As soon as the bounds of the several companies composing the regiments of militia within each brigade shall have been defined as is directed by the fifth section of this act, the majors elect of the battalions respectively shall publicly notify the enrolled militia within the bounds of each company, to meet at a time and place to be in the said public notice specified, which time shall not be less than ten days from the date of the said notice, and which place shall be as near the centre of the bounds of each company respectively as conveniently may be, then and there between the hours of ten in the forenoon and six in the afternoon to elect by ballot one captain, one first lieutenant, one second lieutenant and one ensign. The election for the officers of each company shall be held on a distinct day. Prior to the opening of the election within the bounds of each company, the major superintending the same shall appoint two respectable citizens to act as judges, who shall take to When and where the company officers shall be elected. The major shall appoint judges, &c. to conduct such elections.

their assistance two clerks. The major of the battalion within whose bounds the said company elections shall be held, shall superintend each of them so held, and shall swear or affirm the persons appointed to act as judges and clerks to conduct the election fairly and impartially. When the elections shall have been closed, the judges so appointed shall make out and deliver to the major superintending said election two certificates of the result thereof, duly signed by them, which certificates he shall immediately transmit to the brigade inspector, one of which the said inspector shall file in his office and the other he shall immediately transmit to the adjutant general.

Judges and clerks to be sworn, &c.

Two certificates of the election to be made out for the major—one of which is to be sent to the adjutant general.

Elections for officers of companies of artillery and riflemen and of troops of cavalry shall be held, and all the subsequent proceedings conducted, as the elections for officers of infantry are directed to be held and conducted.

No person shall be permitted to vote at any election for officers of militia which shall be held as directed by this act, who shall have wholly neglected to attend the parade or parades for discipline, as the case may be, which shall have taken place within the year next preceding the said election, or who shall have sought to conceal his age or residence at the time of enrollment, or who shall have refused or neglected to pay any fine which may have been incurred by him under the provisions of this act, within one year next preceding the said election; but when the vote of any such person shall be challenged at an election, he shall be at liberty to give such explanation or excuse to the judges thereof as he may conceive calculated to remove the interdiction specified in this act, and if the said judges shall consider the explanation or excuse sufficient they shall receive the vote of the said person, but not otherwise.

Who shall be incapable of voting at any of the aforesaid elections

But persons may be allowed to remove by explanation, &c. any interdiction in such case.

Brigade inspectors to distribute commissions when they receive them.

Colonels to draw for rank,

Majors, captains, &c. to draw for rank.

The rank of an absent officer how determined.

Contested elections of field officers, how settled.

When the several brigade inspectors shall have received the commissions for the officers of their respective brigades from the adjutant general, they shall deliver the same to the proper officers and they shall notify the colonels within their respective brigades to meet at a time and place to be by the said inspectors appointed, which time shall be within twenty days after the said commissions shall have been received, and which place shall be as near the centre of the proper brigade bounds as conveniently may be, then and there to draw for rank, and the officer who shall draw the first or lowest number shall be the highest in rank, and upon this principle the rank of the remainder shall be decided.

As soon as the rank of the colonels shall have been determined, each colonel shall summon the field and company officers of his regiment to meet at a time and place to be by the proper colonel appointed, which time shall be within ten days after the rank of the said colonels shall have been determined, and which place shall be as near the centre of the bounds of the proper regiment as conveniently may be, then and there to draw for rank, and the rank shall be decided upon the same principle as that defined in relation to the rank of colonels.—

The rank of any officer who may be absent shall be drawn for by the officer who shall have first drawn, and this shall be as valid as if the person drawn for had not been absent. The proper brigade inspector shall record the result.

If the fairness of the election of any field officer or officers shall be objected to by at least one third of the enrolled militia, and who shall have voted at the election, their objections shall be reduced to the

form of a memorial and shall be transmitted to the major general of the division, who, with the two brigadiers general of his division, may call for answers from the officer or officers objected to, and after having deliberated thereon shall either confirm the election contested or notify the proper brigade inspector to call a new election.

If the fairness of the election of any company officer shall be objected to by at least one third of the persons enrolled in the company for which such officer may have been chosen and who shall have voted at the said election, the field officers of the regiment to which such company may belong shall notify the persons complaining and the officer whose election may be contested, to attend at a special time and place to be designated by them, and after hearing the parties they shall either confirm the election contested, or shall notify the major of the battalion to call a new election.

Contested elections of company officers, proceedings thereon.

The several brigade inspectors shall, within the month of April of every seventh year, from and after the year one thousand eight hundred and fourteen, take all such measures as are prescribed by this act for holding elections for the several officers which by limitation will become vacant every seventh year.

Brigade inspectors to hold new elections every seven years.

If any company after due notice shall at any time neglect or refuse to elect their officers as herein before directed, or if after any company shall have twice successively elected officers, any or all of them shall refuse or neglect to serve, or if after having consented to serve, within six months thereafter resign, the 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 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. Officers, as soon as they shall have been elected, shall have authority to perform the duties enjoined and to exercise the powers granted by this act.

When no elections are held, &c.

The colonel shall nominate a person to the governor, who shall appoint.

Which appointment shall be valid.

OFFICERS.

SECT. XI. *And be it further enacted by the authority aforesaid,* That all officers who shall be appointed or elected in pursuance of the provisions of this act, shall be commissioned by the governor for the term of seven years, and they shall hold their commissions for that term if they shall so long behave themselves well, and shall fulfil the objects of their appointment, or election, but not otherwise.

Term of all commissions to be for seven years.

Whenever any vacancy shall have taken place by reason of any death, resignation, removal or otherwise, the commission of the person who may be elected or appointed to supply such vacancy shall bear the same date as that of the person who may have died, resigned or removed, and shall continue in force for the term defined in the said commission, and no longer.

The commission of a person elected to supply a vacancy shall bear date with his predecessor's.

All commissioned officers shall take rank according to their respective places in brigades, regiments, battalions and companies; and when two or more of the same grade shall meet on command, their rank shall be decided by lot.

Rank of all officers.

If any officer shall remove out of the bounds of the division, brigade, regiment, battalion or company as the case may be, which he shall have commanded, his commission shall thenceforth be null and void, excepting within the city of Philadelphia and the several incorporated boroughs of this commonwealth.

No person shall receive or hold a commission in the militia who is not a citizen of this state, and who does not, except in the city and county of Philadelphia, reside within the bounds of the company, battalion, regiment, brigade or division for the command of which a commission shall be required, and except as hereinbefore excepted.

The commission of every officer who shall not have uniformed and equipped himself as such within six months after the date of his commission, shall be null and void.

No officer shall be permitted to appear on parade, unless uniformed and equipped as an officer should be.

No officer shall be permitted to resign, unless he shall have produced a receipt from the brigade inspector for any property belonging to the commonwealth which may have been placed in his hands.

VACANCIES.

SECT. XII. *And be it further enacted by the authority aforesaid,* That whenever the office of major general or brigadier general shall have become vacant by the death, resignation or removal of the person who shall have filled the same, the fact shall be made known to the adjutant general by the inspector of the brigade within whose bounds the officer who shall have died, resigned or removed, shall have resided.

Whenever the colonel of any regiment shall have died, removed or resigned, the fact shall warrant the inspector of the proper brigade to proceed to hold an election for a successor.

Whenever any officer of a regiment of inferior rank to the colonel shall have died, removed or resigned, the colonel of the regiment to which such officer shall have belonged, shall direct the inspector of the proper brigade or the major of the battalion, as the case may be, to proceed to hold an election for a successor.

Whenever the inspector of any brigade shall have died or removed, the general of the proper brigade shall communicate the fact to the adjutant general, who shall immediately notify the governor of the same.

RESIGNATIONS.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That all resignations of majors and brigadiers general, of colonels and of brigade inspectors, shall be made to the governor of this commonwealth; and the resignations of all other officers shall be made to the colonels of their proper regiments.

REMOVALS.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That each person enrolled in the militia who shall remove from the bounds of one company into the bounds of any other, shall apply to the commanding officer of his company and receive a certificate from him specifying his age, the time and class in which he had been enrolled, which certi-

When commissions shall be null, &c.

Who shall be ineligible to office,

Equipment necessary to validate a commission.

All officers to appear on parade in uniform.

Duties of an officer before his resignation.

Notice of the death, &c. of a major general, &c. to be given to the adjutant general.

The vacancy of a colonel, how to be filled.

And of inferior officers.

Vacancies of brigade inspectors.

Who shall make their resignations to the governor, and who to the colonels.

Every person removing out of the bounds of a company, shall receive a certificate from his commanding officer.

ificate the person so removing shall exhibit to the commanding officer of the company within the bounds of which he shall have removed, within twenty days after he shall have settled therein, and the said commanding officer shall cause him to be enrolled in his company accordingly.

VOLUNTEERS.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the volunteers or drafted militia which shall have performed a full tour of duty in the service of the United States or of this state, since the declaration of the present war with Great Britain, or who shall be in the service of either at the date of this act, shall not, if they or any of them shall be enrolled after the passage of this act, be compelled to perform any public service until every company or part of a company of the regiment within the bounds of which they may severally reside, shall have been called out to perform their respective tours of duty.

Volunteers, &c. now in public service shall be exempt from further service until, &c.

Troops of volunteers how they shall hold their elections for officers.

The members of companies and troops of volunteer militia shall be notified to hold, and shall hold their elections for officers in the same manner as the militia, and the officers who may be elected, shall be notified and commissioned as the officers of the militia are by this act directed to be notified and commissioned.

A volunteer only who is fully equipped shall be exempt from enrollment in the militia.

No person, claiming to be a volunteer, shall be exempt from enrollment and duty in the militia, unless he shall be at the time actually uniformed and equipped as a volunteer, which facts he must prove to the officer enrolling the militia, by the certificate of the commanding officer of his proper company or troop.

Number of men, &c. necessary for the commissions of volunteer officers.

No volunteer company light infantry, riflemen or artillery, or troop of cavalry, shall be organized or the officers thereof commissioned, unless there shall be in such company or troop the number of officers and men prescribed for each in the seventh section of this act, uniformed and equipped for service.

Every volunteer leaving a company shall have his discharge, but if discharged for disobedience &c. he shall not be admitted into any other volunteer company.

No volunteer who shall have left the company or troop to which he shall have been attached, shall be admitted into any other company or troop, unless such volunteer shall exhibit to the commanding officer thereof a discharge, setting forth the cause of change, from the commanding officer of the company or troop to which he shall have belonged. And no volunteer, who shall have been discharged from any company or troop for disobedience or misbehaviour, shall be admitted into any other volunteer company or troop.

Volunteer officers may discipline their men ten days each year in addition to those fixed by law, notice whereof shall be given.

The commissioned officers of volunteer companies or troops, may call out their companies or troops for discipline, on such days in addition to those prescribed by law, as they shall think proper, not exceeding ten days in each year; and the like penalties shall be incurred and enforced in the like manner for neglects, in such cases as this act prescribes for neglects on the regular days of training: *Provided,* That in each and every instance the captain or commanding officer of the company or troop called out shall give at least six days notice prior to the day or days prescribed for training.

Whenever there may be within any division or brigade such a number of companies or troops of volunteers as would, if organized and united, form a battalion, squadron or regiment, the major general may cause them to be so organized accordingly.

Volunteer troops may be organized into a squadron, &c. if there is an ample number in any brigade, &c.

DISCIPLINE OF OFFICERS.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That all the regimental, staff and commissioned officers of the militia within the bounds of each regiment shall be annually disciplined, for and during the term of three whole and successive days, to commence on the third Monday of October, and at such place within the said bounds as shall be directed by the colonel or commanding officer of each regiment respectively.

In case any non-commissioned officer or private shall volunteer to attend the said parade for discipline, at his own proper expense, the commanding officer of the regiment within the bounds of which such person may reside, may incorporate the said non-commissioned officer or private and cause him to be disciplined accordingly: *Provided,* That no minor or apprentice shall be so incorporated unless he shall have furnished to the commanding officer a certificate of permission from his parent, guardian or master.

During the parades for discipline the officers shall wear their uniforms and equipments, and shall be instructed first in all the duties of a soldier, and progressively in all the duties of each non-commissioned and commissioned officer.

Each officer shall receive one dollar and fifty cents for each and every day's service on parade for discipline.

The adjutant of each regiment shall note each and every officer absent from each parade, and at the termination of the parades shall make a detailed report of the said absentees to the court of appeal of the battalion to which such absentees may belong, which shall be held next after the said parades.

DISCIPLINE OF THE MILITIA.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That the militia shall be drilled in companies and troops by their proper officers, on the first Mondays in May and on the fourth Mondays in October in each and every year, and at least ten days previous notice thereof shall be given by advertisement, 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 trainings shall be held at such place within the bounds of the battalion as the colonel of the regiment shall direct: *Provided,* That the colonel or commanding officer of any regiment may direct regimental training on any of the days appointed for battalion training.

The roll of each company shall be regularly called twice a day on each of the days during which the militia shall be on duty for discipline, either by a commissioned officer or by the first sergeant of each company, who shall make a detailed return of absentees within three days after each of the days assigned for discipline to the captain or commanding officer of the company or troop, upon oath or affirmation; and it shall be the duty of such captain or commanding officer, to make out and deliver duplicate returns of such absentees and such as may appear in the ranks without arms, one thereof to the brigade

All regimental, staff and company officers shall be disciplined three whole days annually.

Any private, &c. may be admitted in such discipline.

Proviso.

Officers shall wear their uniforms on days of discipline.

Compensation for officers on days of discipline.

The adjutant of each regiment shall note absentees on such parades, and make report to the court of appeal.

When companies shall be drilled;

previous notice shall be given.

When and where battalion trainings shall be held.

Proviso.

Rolls to be called twice on days of discipline.

Who shall make a return of absentees to the captain, on oath or affirmation who shall give one to the brigade inspector and one to the court of appeal.

inspector and the other to the officers composing the proper court of appeal.

ACTUAL SERVICE.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That the militia of this commonwealth may be called into actual service by the governor thereof in case of a rebellion, or of an actual or threatened invasion of this or of any neighbouring state, but no part thereof shall be detained in service at any one time longer than three months under the mere requisition of the governor, or without the direction or assent of the president of the United States.

The governor may call the militia of this state into actual service in certain cases.

The militia or any part thereof when called into the service of the United States, shall be subject to the same rules and regulations as the troops upon the military establishment of the United States.

If into the service of the United States, they shall be subject to the same rules of the troops thereof.

Whenever any part of the militia of this commonwealth shall be required for public service by the president of the United States, if no particular description of troops shall have been required, the governor shall detach the number of men demanded in such proportions as to the several descriptions of troops as he may think proper. Light infantry, artillery or riflemen shall be detached by companies; cavalry shall be detached by troops.

Of detachments for the service of the U. States.

Whenever any part of the infantry of the militia of this state shall be required for public service, it shall be detached by classes as the exigency may require: *Provided,* That the part so called shall not exceed five classes of the militia of any brigade, and that a second draft shall not be detached from any brigade until an equal number of the classes of militia of the other brigades respectively shall have been first made.

Detachments to be made by classes.

Provido.

Whenever any portion of the militia may be called into actual service, the proper staff officers shall be selected by the general of the brigade from the bounds of which such detachment may have been drawn, and this shall be done in such a manner, as that as nearly as conveniently may be, an equal number of staff officers shall be taken from each of the regiments within the brigade. Whenever any portion of the militia may be called into actual service, the proper non-commissioned officers shall be selected by the field officers of the regiments from which such militia shall have been drawn or required, and this shall be done in such a manner as that there shall as nearly as conveniently may be an equal number of non-commissioned officers taken from each of the regiments from which drafts may be required.

Staff officers, by whom selected, when the militia shall be called into actual service.

Non-commissioned officers, by whom selected, in similar cases.

Companies of artillery or riflemen shall be detached at the discretion of the commander in chief. *If either or both shall be necessary* as a part of the force required for the service of the United States, those companies nearest the rendezvous that may be specified, shall in each instance be the first detached, but no company shall be called to perform a second tour until every other company in its proper brigade shall have performed its tour of service, unless in the opinion of the commander in chief the urgency of any particular case may require it.

Governor may detach artillery and rifle companies, if such are necessary for the service of the U. States.

Troops of cavalry shall be detached, and shall serve under the like provisions as those prescribed for companies of light infantry, artillery and riflemen.

Of detachments of cavalry.

Place of rendezvous to be designated by the commander in chief in general orders.

The time, manner and regulations necessary for marching militia called into actual service to the place of general rendezvous, unless defined in this act, shall be prescribed and published in general orders by the commander in chief of the militia of this state.

Duties of the adjutant general, when a call is made on the militia by the U. S.

When the president of the United States shall have made a requisition of a part of the militia of this state for public service, the adjutant general shall take the most prompt and efficacious measures for detaching and supplying with all necessary arms, equipments, ammunition and provisions the number of men required, and for having them marched to the place or places of rendezvous. The general of division or of brigade to whom orders may be issued, shall take immediate measures for having the number of militia required called out and inspected by the proper brigade inspector. The captain or captains of the militia called out shall furnish to the proper brigade inspector, an authenticated roll of the men who shall have turned out for inspection, and a list of absentees.

Captains duty in such case.

Duties of brigade inspectors in similar calls.

Whenever any portion of the militia of this state shall have been ordered into actual service, under a requisition from the president of the United States or otherwise, the proper brigade inspector or brigade inspectors shall notify the captains or commanding officers whose tour or duty it may be to serve in the detachment required, and thereupon the said captains or commanding officers shall respectively cause a written or printed notice to be served upon or left at the usual place of residence of each and every officer, non-commissioned officer, musician or private liable to serve, requiring every such person to attend at a time and place to be in the said notice specified; every such notice shall be served at least three days prior to the day fixed for marching to the place of rendezvous, unless upon any sudden emergency, when the said notice shall require immediate attendance for service. The form of the notice for non-commissioned and privates shall be as follows: 'Take notice, that you are hereby required personally, or by a sufficient substitute, to appear as properly armed and equipped for service, at _____ on the _____ day of _____, to march when required. Courts martial to be held or appeals to be heard (as the case may be) at _____ on the _____ day of _____. Given under my hand, &c.

Captains who march shall serve a notice on his men,

of the following form.

(A. B. captain or commanding officer.)

The governor shall appoint general officers for the detachment.

The governor shall select such general officer or officers as the nature of each case shall require, to proceed to the place of rendezvous and take the command of the troops called into actual 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.

Pay and rations of the officers and men called into service.

The pay and rations of officers and non-commissioned officers and privates of the militia called into the service of the United States, or of this state, shall commence two days prior to their marching to the place or places of rendezvous; and each of the said officers, non-commissioned officers and privates shall receive pay and rations at the rate of sixteen miles per day on their return home. For the service of the horse of each officer and private of cavalry, there shall be paid to the owner thereof twenty-five cents per day, and for the service of each horse used by a company of artillery there shall be paid twenty-five cents per day.

Pay for cavalry.

The governor of this commonwealth may, if he shall think proper, direct the light infantry, riflemen or artillery who may be called into actual service, to be formed into battalions or regiments distinct from, and independent of the infantry; and he may direct the cavalry who may be called into actual service, to be formed into regiments or squadrons, in such a manner as that there shall not be less than fifty, nor more than one hundred men, including officers, in each troop, and not less than four troops in each of the two squadrons of a regiment.

Light infantry, riflemen, &c. may be organized into distinct regiments when called into service.

Whenever any portion of the militia shall be ordered into actual service, it shall be the duty of the governor, through the adjutant general, to notify the brigade inspector from whose brigade any such detachment may be required, whether the call of militia so made is by order or requisition from the general government, or by the authority of the governor of this state, and also the time of service that said detachment may be required.

When calls are made on the militia, the adjutant general shall give notice thereof to the brigade inspectors, &c.

When any part of the militia shall have been called into actual service, the officer who may have the command of the detachment about to march to the place of rendezvous, shall nominate to the proper brigade inspector or one of his staff or subaltern officers to act as paymaster, to whom, if he shall approve the choice, the brigade inspector shall advance such sum or sums as may be necessary for the pay of the troops upon their march, taking duplicate receipts therefor from the paymaster, which shall also be endorsed by the commanding officer of the detachment. The officer so appointed paymaster shall keep exact accounts of the mode of expenditure, and when he shall have arrived at the place of rendezvous, shall transmit a statement thereof to the proper brigade inspector, charging two and one half per centum for the services thus rendered; if any balance shall remain in his hands he shall pay it over to such person or in such manner as the proper brigade inspector shall have instructed him.

Who shall appoint a paymaster when calls on the militia are made.

The paymaster shall keep accounts, &c.

The brigade inspector and two reputable and disinterested citizens, to be nominated by him, shall appraise the horse of each officer who is entitled by the rules of war to keep a horse, and the horse of each light-horseman, and each horse belonging to the artillery, immediately before every time of going into actual service, and enter such appraisement in a book; and in case such horse shall be killed or die in actual service, or be taken by the enemy, otherwise than by neglect of the owner, on his producing to the officers of the department of accounts a certificate of the loss of said horse, signed by the commanding officer of the detachment to which he belonged while in actual service, together with a certificate of the valuation so as aforesaid directed to be made, he shall thereupon be paid the full amount of such appraisement, by an order to be drawn in the usual manner on the state treasurer out of any money not otherwise appropriated.

Horses in service shall be appraised, and by whom it shall be done.

If such horses are killed, &c. in service, the owner shall be paid such appraisement.

• ADJUTANT GENERAL.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That the adjutant general who shall be appointed in pursuance of the directions of this act, shall at all times have and exercise a general superintending power, under the commander in chief, with respect to all matters connected with the organization and discipline of the militia. He shall, at all times, furnish to the commander in chief such information as may be required respecting the strength, condition or

Powers of the adjutant general.

discipline of the militia, or of any particular part thereof. He shall at all times give such explanation as any officer of the militia may require, in relation to the principles and details of any species of military discipline or organization. He shall furnish to the brigade inspectors from time to time such information and orders as may enable them to execute their duties well. He shall, on or before the first Tuesday in December annually, furnish to the governor of this commonwealth, for the information of the legislature thereof, a detailed statement of the numbers, discipline and general military condition of each description of troops composing the militia, also a statement of the number of men enrolled in the militia, and the number of men acting as volunteers. He shall also annually transmit, as required by the laws of the United States, to the president thereof, a statement of the number of men enrolled in the militia of this state.

He shall furnish the governor with a statement of the military force, &c. annually.

He shall obey promptly all orders from the commander in chief.

He shall also perform the duties of inspector general, &c. and procure military stores, &c.

and distribute the same, &c.

Also inspect military stores, &c. And shall inspect and report annually to the governor the condition thereof.

He shall give bond before he enters on the duties of his office.

His compensation.

On his decease, &c. his books, &c. to be delivered to his successor.

The adjutant general shall be, and he is hereby specially charged, to execute in the most prompt and efficient manner, all such directions as he may receive from the commander in chief, or such as this act may contain for re-organizing the militia of this commonwealth.

The adjutant general shall, besides the special duties of his station, exercise the functions and perform the duties of inspector general, quarter-master general and commissary general. He shall procure or cause to be procured any arms, military stores, clothing accoutrements and camp equipage which the legislature of this commonwealth may authorize or direct to be procured. He shall when such military preparations shall have been made, cause such a distribution thereof to be made to the several brigade inspectors as may be directed to be made by law, or if not directed by law, as the commander in chief may prescribe.

He shall annually inspect all the depots of arms and military stores which the legislature may at any time order to be erected. He shall annually make a report to the governor of the number and condition of all arms, military stores and equipage belonging to the commonwealth; and he shall perform all other duties required by this act, or which the commander in chief may enjoin, for carrying into full effect the objects of this act.

The adjutant general, before he shall proceed to execute any of the duties of his office, shall give bond with one or more sufficient sureties, as the governor shall require, in the penal sum of ten thousand dollars, conditioned for the due and faithful performance of his duties.

The adjutant general shall receive, as a full compensation for his services, emoluments and expenses, one thousand dollars annually, to be paid quarterly.

On the decease, removal or resignation of the adjutant general, the books and vouchers of his office shall be delivered to his successor.

BRIGADE INSPECTORS.

Brigade inspectors to act within their bounds as quarter-masters, &c.

SECT. XX. *And be it further enacted by the authority aforesaid,* That the several brigade inspectors, who shall be appointed in pursuance of the directions of this act, shall, within the bounds of their respective brigades, act as deputy inspectors, deputy quarter-masters, and deputy commissaries; and they shall execute such orders, in re-

lation to their several duties, as they shall receive from the adjutant general or the commander in chief.

Immediately after the enrolments directed by this act shall have been made, and the regiments, battalions and companies, or troops, of militia shall have been organized, and their several bounds defined, the several brigade inspectors shall furnish to the adjutant general a detailed statement, specifying the number of men in each troop, company, battalion and regiment within their respective brigades, and also the number of each description of militia composing the same.— They shall also give as precise a definition of the bounds of each regiment as may be, and shall furnish such other information, connected with their duties, as the adjutant general may require. The brigade inspector shall annually inspect all the arms, ammunition and accoutrements of the militia composing his brigade, and report the number and several descriptions of each to the adjutant general.

And furnish the adjutant general with a statement of the number of men in each company, &c.

And define the bounds of the regiments.

Also inspect the arms, &c. within his brigade.

Of penalties imposed, and how recovered.

Constables to levy and collect the same, &c.

Penalty on a constable for a neglect of his duty.

Authority of a constable.

Fines collected by the constable to be paid over to the brigade inspector, &c. Additional penalty on constables.

Except in certain cases.

As soon as the several brigade inspectors shall have ascertained from the presiding officers of any court martial or court of appeal, held for the trial of offences committed against the laws of this state, what penalties were not remitted, of which each presiding officer is hereby required to give notice, within ten days after the said courts martial or courts of appeal shall have been respectively terminated, to the proper brigade inspector, the said brigade inspectors respectively shall issue a warrant under their hands and seals, in each of the said cases reported to them respectively, directed to any constable residing within the bounds of the proper county in which the delinquent shall reside, commanding him to levy and collect the penalty incurred in each case. And each of the constables to whom any warrant or warrants shall be delivered, shall be authorized, and he is hereby required under the penalty of thirty dollars, to call upon each delinquent within twenty days from the time of the receipt of such warrant, and demand payment of the fine or fines stated in the warrant for such delinquent; and in case the amount of said fine or fines stated in the warrant, shall not be paid within ten days after the day on which the demand shall have been made, the proper constable shall proceed to collect the said fine or fines, together with costs, in the same manner, and with the like power and effect, as constables are required to proceed with executions issued by virtue of an act entitled 'An act to amend and consolidate with its supplements, the act entitled 'An act for the recovery of debts and demands not exceeding one hundred dollars before a justice of the peace, and for the election of constables, and for other purposes,' passed the twentieth day of March, one thousand eight hundred and ten. The proper constable shall, within forty days after the date of said warrant, pay the amount of the same to the proper brigade inspector, after having deducted ten per cent. on the amount which shall have been collected for the services thus performed; but if any constable shall neglect or refuse to pay the sum or sums recovered, within the time specified, he shall forfeit and pay double the amount thereof to the proper brigade inspector, to be recovered in the same manner as debts of the like amount are by law recoverable, excepting only such fine or fines as the field officers of the proper regiment or regiments to which the delinquent or delinquents shall have belonged, shall adjudge to have been impracticable for the proper constable to collect or obtain.

As soon as any brigade inspector shall have ascertained that any other penalty directed by this act to be inflicted, shall have been incurred by any officer or officers, private or privates of the militia, he shall cause a notice to be delivered to the delinquent or delinquents, specifying the offence, the penalty, and the time and place at which a court of appeals will be held. The proper brigade inspector shall determine the time and place for holding the said court, which shall not be less than ten days after the date of the notice to the delinquent or delinquents, and he shall summon thereto the proper officers. In case the penalty or penalties incurred, shall not have been remitted, the proper brigade inspector shall take the like measures for enforcing the payment thereof, as those which are specified in the preceding paragraph; and the same injunctions are in all such cases hereby imposed upon the proper constable or constables which are therein defined.

As soon as any brigade inspector shall have ascertained, that any penalty or penalties specified in this act, shall have been incurred by any person or persons not enrolled in the militia, he shall make a representation thereof to the proper alderman or justice of the peace, and the said alderman or justice, after having had the requisite proof that any penalty or penalties had been so incurred, shall proceed to sue for and recover the same, in the like manner as debts of the like amount are or shall be by law recoverable; and when any fine or fines shall have been recovered, the amount thereof shall be paid to the proper brigade inspector, the costs nevertheless having been first deducted.

Whenever any election or elections for an officer or officers of the militia shall have been held, the inspector of the proper brigade shall give notice of the result thereof to such person or persons as shall have been elected field officers, and the majors shall give notice to the persons elected company officers, immediately after the elections shall have been held.

The several brigade inspectors are hereby authorized to draw upon the treasurer of this commonwealth, on estimates to be furnished from time to time, for such sum or sums as shall be necessary to enable them to comply with the provisions of this act: *Provided*, that the sum or sums drawn by any one brigade inspector shall not, in any one year, exceed two thousand dollars: *And provided also*, that when the estimate shall have been furnished, the accountant department shall be of opinion that its expenditure shall be necessary to carry this act into effect, agreeably to the intention of the legislature.

They shall, respectively, keep a fair and explicit record of all the transactions that shall have taken place within their several bounds, relative to the number, condition, enrolment, organization and meetings for discipline of the militia.

The several brigade inspectors shall also, respectively, keep fair accounts of all sums drawn from the treasury of the commonwealth, as well as of those recovered for fines, and of the mode and amount of expenditure made by them, either by the direction of this act or upon the orders of such officer or officers as may be authorized to draw upon them for funds, or to direct their appropriation. They shall also, on or before the first Monday of November, annually, trans-

Delinquents to be notified of ap-
peals.

When penalties are not remitted the brigade in-
spector shall pro-
ceed, &c.

Penalties incur-
red...how re-
coverable.

Officers elected to receive notice thereof, &c.

Brigade inspectors to draw money, &c.

Proviso.

And shall keep a record, &c.

Also to keep ac-
counts of expen-
ditures.

And transmit their accounts annually to the accountant de-
partment.

mit a full statement of their respective accounts, with all the necessary vouchers, to the accountant officers of this commonwealth, who shall settle and adjust the same as in all other cases.

The several brigade inspectors shall, in the settlement of their accounts, which they are by this act required annually to make, account for all the fines which shall not have been remitted by the courts of appeal held within the bounds of their respective brigades: *Provided*, that the auditor general shall place to the credit of any brigade inspector such sum as in his judgment, or on the exhibition of due proof, the said brigade inspector could not collect or cause to be collected.

Brigade inspectors to account for fines, &c.

Proviso.

The several brigade inspectors shall take charge of, and shall be answerable for the safe keeping of all the clothing, arms, ammunition, accoutrements, camp equipage, and all other military stores which the adjutant general may cause to be distributed. Should military depots be erected within the bounds of any brigade or brigades, the proper inspector or inspectors shall take charge thereof. Until depots shall be erected, the several brigade inspectors shall hire a convenient place for the safe keeping of public property entrusted to them; and they shall, from time to time, employ one or more suitable persons to repair such arms and accoutrements as may be imperfect, so that no part of the public arms or military stores may at any time be unfit for service.

And be answerable for clothing, arms, &c.

And take charge of military depots, and hire buildings, &c.

The several brigade inspectors shall, as promptly as possible after they shall have been appointed according to the directions of this act, collect or cause to be collected all the arms and other military property belonging to this commonwealth, now in the possession of any person or persons to whom they may have been distributed or entrusted for public use or for repair.

Shall collect all public property, &c.

Before they shall enter upon the duties of their respective offices, the several brigade inspectors shall give bond to the governor of this commonwealth, with one or more sufficient sureties, in the penal sum of four thousand dollars, conditioned for the faithful performance of their respective duties.

And give bonds, &c.

Each brigade inspector shall receive annually for his services, clerk hire, blank forms and stationary, the sum of one hundred and twenty dollars for each and every regiment comprehended within his brigade, to be paid quarterly.

Brigade inspectors' pay, &c.

On the death, removal or resignation of any brigade inspector, all the books, vouchers and other public property which shall have been in his possession, shall be delivered to his successor.

In case of death, &c. books, &c. shall be delivered to a successor.

PENALTIES.

SECT. XXI. *And be it further enacted by the authority aforesaid*, That if any commissioned officer of the militia, shall have neglected or refused to serve when called into actual service, in pursuance of any order or requisition of the President of the United States, he shall be liable to the penalties defined in the act of the congress of the United States, passed on the twenty-eighth day of February, one thousand seven hundred and ninety-five: *that is to say*, Each and every officer having so offended, shall forfeit a sum not exceeding one year's pay nor less than one month's pay, to be determined and

Penalty on commissioned officers for neglecting to serve.

adjudged by a court martial; and shall, moreover, be liable to be cashiered by sentence of a court martial, and to be incapacitated from holding a commission in the militia for a term not exceeding twelve months, at the discretion of the said court; or shall be liable to any penalty which may have been prescribed since the date of the passage of the said act, or which may hereafter be prescribed by any law of the United States.

Each and every non-commissioned officer and private of the militia, who shall have neglected or refused to serve when called into actual service, in pursuance of an order or requisition of the president of the United States, shall be liable to the penalties defined in the act of the congress of the United States, passed the twenty-eighth day of February, one thousand seven hundred and ninety-five: *that is to say*, Each and every non-commissioned officer or private having so offended, shall forfeit a sum not exceeding one year's pay nor less than one month's pay, to be determined and adjudged by a court martial, and shall be liable to be imprisoned by a like sentence, on failure of payment of the fines adjudged, for one calendar month for every five dollars of such fine, or to any penalty which may have been prescribed since the date of the passage of the said act, or which may hereafter be prescribed by any law of the United States.

Within one month after the expiration of the time for which any detachment of the militia shall have been called into the service of the United States, by or in pursuance of orders from the president of the United States, the proper brigade inspector shall summon a general or a regimental court martial, as the case may be, for the trial of such person or persons belonging to the detachment called out, who shall have refused or neglected to march therewith, or to furnish a sufficient substitute, or who, after having marched therewith, shall have returned without leave from his commanding officer, of which delinquents the proper brigade inspector shall furnish to the said court martial an accurate list. And as soon as the said court martial shall have decided in each of the cases, which shall have been submitted to their consideration, the president thereof shall furnish to the marshal of the United States, or to his deputy, and also the comptroller of the treasury of the United States, a list of the delinquents fined, in order that the further proceedings directed to be had thereon by the laws of the United States, may be completed.

Each and every person who shall have neglected or refused to perform his tour of duty, when called into the service of the state by the governor, shall pay a fine of sixteen dollars for each and every month in which he may have been bound to serve, and it shall be the duty of the proper brigade inspector forthwith, after the marching of any detachment, to call to his assistance two commissioned officers, to sit at the place named in the notices before directed, and shall hear and determine all appeals that may be made by the persons thinking themselves aggrieved by any thing done in pursuance of such call, and they are hereby authorized and required to grant such relief to such appellant as to them shall appear just and reasonable; and the said officers before they shall enter on the said duties, shall respectively take an oath or affirmation, that they will hear and impartially determine on the cases of appeals which may be laid before them, agreeably to law, and according to the best of their know-

Penalty on non-commissioned officers and privates.

When courts martial shall be held.

The decisions thereof to be sent to the marshal.

Penalty for disobeying a call.

Remedy for grievances.

Members of the court of appeal to be under oath, &c.

ledge; which oath or affirmation the inspector is hereby authorized and required to administer, and either of said officers may administer an oath or affirmation to the inspector. And the said inspector and commissioned officers shall keep a separate record of the proceedings herein directed, and shall, within twenty days after such determination of appeals, make out and deliver to the state treasurer a list of all such delinquents, as well those who have not appealed as those whose appeals have been determined against them, with the sums due from each respectively; which shall be collected and appropriated by the inspector of the proper brigade, in the same manner as other fines are directed by this act to be collected. And each of the said commissioned officers shall receive from the proper inspector, the sum of one dollar and fifty cents for each and every day during which he shall have been employed in hearing and determining the said appeals.

And make report of their proceedings.

Pay of the members of the courts of appeal.

If any field officer shall have neglected or refused to attend at any of the parades for discipline, directed by this act to be annually held, he shall be fined for each day's absence six dollars.

Fine of a field officer for non-attendance on days of discipline.

If any staff or company officer shall have neglected or refused to attend at any of the said parades, he shall be fined for each day's absence four dollars.

On a staff officer, &c.

If any officer, non-commissioned officer or private, after having been on parade, shall have left it without the permission of the commanding officer for the time being, he shall be fined one dollar.

On a non-commissioned officer, private, &c.

If any officer shall have neglected or refused to attend, when the militia shall have been called out for discipline, as directed by this act, he shall for each day's absence be fined five dollars.

On officers on days of training.

If any non-commissioned officer or private, enrolled in the militia, shall have neglected or refused to attend on any of the days appointed for discipline, he shall for each offence be fined two dollars.

On non-commissioned officers.

If any adjutant shall neglect or refuse to make the return required by the last paragraph of the seventeenth section of this act, he shall be fined for each neglect or refusal ten dollars.

On adjutant for neglect, &c.

If any non-commissioned officer or private militiaman, shall appear in the ranks on any of the days appointed by this act for training, without a sufficient musket or firelock, it shall be the duty of the captain or commanding officer of the company to which he may belong, to make return of each and every non-commissioned officer and private so appearing without arms, to the court of appeal of his proper battalion, whose duty it shall be to fine each and every non-commissioned officer and private that may have appeared without arms as aforesaid, one dollar, except such as may have been adjudged by the commissioned officers of the company, or a majority of them, unable to procure arms

Penalty for parading without a firelock, &c.

If the captain or commanding officer of any company or troop of the militia, shall have neglected or refused to furnish correct duplicate returns of the absentees, on any of the days appointed for the discipline of the militia, one thereof to the proper brigade inspector, the other to the officers composing the court of appeal of the proper battalion, he shall for each neglect or refusal be fined forty dollars.

On a captain for neglect.

If any officer or non-commissioned officer, whose duty it may be, shall have neglected or refused to make a return to his proper captain or commanding officer, of the absentees on any of the days ap-

On other officers for neglect.

pointed for the discipline of the militia, he shall be fined twenty dollars.

Captain fined for certain neglect.

If the captain or commanding officer of any company or troop of militia, shall have neglected or refused to furnish the class-list or roll, which he is by this act required annually to furnish, to the proper brigade inspector, he shall for each omission be fined fifty dollars.

If any non-commissioned officer or private of the militia, shall have sold or pledged any public arms, accoutrements or ammunition, he shall be fined double the value of the article sold or pledged.

Fines for removing from a regiment, &c.

If any officer, non-commissioned officer or private of the militia, shall have removed from the bounds of his regiment or company, as the case may be, without having notified his commanding officer thereof, and received a certificate, as is directed by this act, he shall be fined for each neglect or refusal, if a field officer ten dollars, if a staff or company officer five dollars, and if a non-commissioned officer or private two dollars.

Penalty on a brigade inspector refusing to settle accounts.

If any brigade inspector shall have neglected or refused to make a settlement of his accounts in each and every year, as is directed by this act, unless an excuse, satisfactory to the commander in chief, shall have been given, his commission shall be revoked, and he shall be proceeded against as delinquent county treasurers are by law directed to be proceeded against.

Fine on the president of a court martial for certain neglects.

If the presidents of any courts of appeal or courts martial, shall neglect or refuse to furnish the list of fines not remitted, which the twentieth and twenty-fourth sections of this act requires the said presidents to furnish, each and every president so having offended shall pay a fine of ten dollars for each offence.

On a colonel.

If any colonel or commanding officer shall neglect or refuse to furnish the statement of fines not remitted by the courts of appeal of his regiment, required to be furnished by the twenty-third section of this act, he shall pay a fine of twenty dollars for each offence.

Officers' heirs, &c. to deliver up public property.

If the heirs, executors or administrators of any person, who shall have been entrusted with any books, vouchers or other property belonging to this commonwealth, or which shall have appertained to the office which such person may have filled, shall have refused, for twenty days after demand made, to deliver up the same to the proper brigade inspector, such person or persons so offending, shall forfeit and pay a sum equal to double the amount of the value of said property, to be recovered by action of debt in the name of the proper brigade inspector, in any court of record within the state.

Penalty for selling or buying public property.

If any person or persons shall have knowingly sold, bought, taken, exchanged, concealed, or otherwise fraudulently or unlawfully received, held or detained, or shall have refused to deliver up to the proper brigade inspector, after he shall have given public notice thereof, any arms, accoutrements, colours or drums belonging to this state, on any account or pretence whatsoever, the person so offending, being convicted thereof before any justice of the peace or alderman of the city or county where such offence shall have been committed, shall forfeit and pay, for every such offence, treble the value of such arms and accoutrements, to be ascertained by such justice or alderman, and levied at the suit of the said brigade inspector, by distress and sale of the offender's goods and chattels, by the justice or alderman before whom such offenders shall have been convicted, re-

And how recovered.

turning the overplus, if any, on demand to such offender; and for want of such distress, shall commit such offender to the common jail of the county, there to remain at the expense of the county, for any term not exceeding one month, unless such money shall have been sooner paid.

If any person or persons shall have exposed for sale, or shall have sold any spirituous liquors, on any day of training, at or within half a mile of any place of training, and shall have been thereof convicted, he or they shall forfeit and pay for each offence, a fine of not less than ten or more than twenty dollars: *Provided*, that persons having license and selling at their own proper places of abode, shall not be affected by the provisions hereof: *And provided also*, that this restriction shall not affect any person authorized by the commanding officer to supply any liquor or liquors.

Spirituous liquors prohibited from sale on parade ground.

If any spectator or by-stander, shall have abused, molested or stricken any officer, non-commissioned officer or private, when on parade or under arms, the person who shall have so offended shall be immediately put under arrest or guard, and shall be detained at the discretion of the commanding officer for the time being, for not less than three nor more than six hours.

Penalty for striking an officer, &c.

If any head of a family or householder or any other person, within any house at which application may be made, shall at any time have refused to give an account to any captain or commanding officer, of any person or persons liable to be enrolled in the militia, residing, boarding or lodging with, or working for, any such head of a family or householder, or occupying any part of his or her dwelling house, or shall have wilfully concealed the name or names, age or ages of any such inmate or inmates, boarder, lodger or occupier, or other person or persons, he or she so offending shall pay a fine for each offence not less than ten nor more than twenty dollars.

Fine for secret-ing persons liable to enrolment.

The musicians of the militia shall be subject to the same regulations, fines and penalties as the privates thereof.

Musicians' fines.

RULES FOR THE GOVERNMENT OF THE MILITIA.

SECT. XXII. *And be it further enacted by the authority aforesaid*, That the following articles, rules and regulations shall be those by which the militia of this commonwealth shall be governed.

Article 1. If any field, or other commissioned or staff officer, when the regiment, battalion, troop or company to which he may belong or in which he holds a command, shall be paraded under arms, shall misbehave or demean himself in a manner unbecoming an officer, or shall on any such occasion neglect or refuse to obey the orders of his superior officer, he shall for every such offence be cashiered or punished by fine, at the discretion of a general or regimental court martial, as the case may require, in any sum not exceeding sixty dollars. And if any non-commissioned officer or private shall, on any parading of the company to which he belongs, appear with his arms and accoutrements in an unfit condition, or be drunk, or shall disobey orders, or shall use any reproachful or abusive language to his officers, or any of them, or shall quarrel or promote any quarrel among his fellow soldiers, he shall be disarmed and put under guard by order of the commanding officer present, until the company shall have been dismissed, and shall be fined, at the discretion of a regimental court

Punishment of officers for disobedience.

Penalty for drunkenness, And quarrelling

martial, in any sum not exceeding twenty dollars nor less than three dollars.

Fine for officers neglecting to muster.

Art. II. If any officer shall neglect or refuse to give orders for assembling his regiment, battalion or company, at any time or times when required to do so by the competent authority, or at any time or times appointed by law, or at the direction of the inspector of the brigade to which he belongs, when the inspector is thereto commanded by the governor, or in case of an invasion of the city or county to which such regiment belongs, he shall be cashiered and punished by fine not exceeding two hundred dollars, at the discretion of a general court martial. And if a commissioned officer of any company, shall on any occasion neglect or refuse to give order for assembling the company to which he belongs, or any part thereof, at the direction of his colonel or commanding officer of the regiment to which such company belongs, or at the time or times directed by law, he shall be cashiered and punished by fine not exceeding sixty dollars, at the discretion of a court martial; and a non-commissioned officer offending in such case, shall be fined at the discretion of a regimental court martial, in any sum not exceeding twenty dollars.

Penalty for desertion.

Art. III. If any militia-man shall desert, whilst performing any duty, or serving under any order from the governor of this state, and not under a requisition from the president of the United States, he shall be fined forty-eight dollars for every such offence. And if any non-commissioned officer shall so desert, he shall be degraded and placed in the ranks, and shall pay a fine of forty-eight dollars: and in case the said person shall not have goods or chattels sufficient to pay the said fine, he shall undergo an imprisonment in the common jail of the proper county for the term of two months.

Of a general court martial.

Art. IV. Every general court martial shall consist of thirteen members, all of whom shall be commissioned officers, and of such rank as the case may require, and shall choose a president out of their number, who shall not be under the rank of a field officer.

Of a regimental court martial.

Art. V. Every regimental court martial shall be composed of seven commissioned officers, who shall choose one of their number president, not under the rank of a captain. And every court martial, whether general or regimental, shall appoint a commissioned officer or other fit person to officiate as judge advocate.

Two thirds necessary to condemn.

Art. VI. In any court martial, not less than two-thirds of the members must agree in every sentence for inflicting any punishment or fine, otherwise the person charged shall be acquitted.

Witnesses to be under oath, &c.

Art. VII. The president of each court martial, shall require all witnesses, in order to the trial of offenders, to declare on oath or affirmation, that the evidence they shall give shall be the truth, the whole truth, and nothing but the truth; and the members of such courts shall take an oath or affirmation, which the president is required to administer to them, that they will give judgment with impartiality, and one of the members, so sworn or affirmed, shall swear or affirm the president in like manner.

Court martial to issue process.

Art. VIII. Every court martial shall have power and authority to issue compulsory process against any person, who shall neglect or refuse to attend for the purpose of giving evidence in any case therein pending.

Art. IX. No officer or private charged with transgressing these

rules, shall be suffered to do duty in the regiment, battalion, company or troop to which he shall belong, until he shall have had his trial by a court martial; and every person so charged, shall be tried as soon as a court martial can conveniently be assembled; and every officer under arrest, shall be furnished by the adjutant general, the brigade inspector, adjutant of the regiment, or other person, as the case may require, with a copy of the charge or charges exhibited against him, at least ten days before his trial, that he may have an opportunity to prepare his defence.

Persons arrested shall do no duty, &c.

Art. x. If any officer or private shall think himself injured by his colonel or commanding officer of the regiment, and shall, on due application made to him, be refused redress, he may complain to the brigadier general, who shall direct the brigade inspector to summon a general court martial, that justice may be done.

Redress in case of injury done by a colonel.

Art. xi. If any officer or private shall think himself injured by his captain, or other superior officer in the regiment, troop or company to which he may belong, he may complain to the commanding officer of the regiment, who shall summon a regimental court martial, for doing justice according to the nature of the case.

By a captain.

Art. xii. No penalty shall be inflicted by a court martial for any offence committed by any officer, non-commissioned officer or private, whilst acting merely under the military jurisdiction of this state, other than degrading, cashiering and fining, or any one or more of them; and all fines imposed for any such offences by regimental courts martial, shall be collected and paid into the hands of the brigade inspector of the proper brigade.

Extent of punishment.

Art. xiii. Any officer or private belonging to the militia, charged with transgressing any rules in this act contained, and who shall have been tried and acquitted by a court martial, shall be notified forthwith of such acquittal by the president of such court martial, which acquittal and notification shall be an immediate discharge of any officer or private from arrest.

Persons to receive notice of acquittal.

Art. xiv. The commander in chief of the militia, for the time being, shall have the full power of pardoning or mitigating any censures or penalties ordered to be inflicted by a general court martial on any officer, staff officer, non-commissioned officer or private, for the breach of any of these articles; and every offender, convicted of transgressing these articles, by any regimental court martial, may be pardoned or have the penalty mitigated by the colonel or commanding officer of the regiment, excepting only where such censures or penalties are directed as satisfaction for injuries received by one officer or private from another; but in case of officers, if the same is not above the rank of colonel, to be approved by the major general of the division, and if above that rank, to be approved by the commander in chief of the militia, who are respectively empowered to pardon or mitigate such sentence, or disapprove of the same.

Commander in chief to have power of pardoning in cases of general courts martial.

And colonels in cases of regimental courts martial.

Art. xv. Returns of all fines that shall be imposed by general, division or brigade courts martial for any breach of these rules, shall be made to the inspectors of the brigades to which the offenders belong, or to such person or persons as he shall appoint, and shall be sued for and recovered as other fines are by this act directed to be recovered.

Returns of fines to be made.

Militia subject to the same rules as U. S. troops.

Art. XVI. The militia of this state, whilst in the actual service thereof or of the United States, shall be subject to the same rules and regulations as those of the army of the United States; and it shall be the duty of the commanding officer of each company, under the penalty of five dollars for every neglect, to read or cause to be read, the foregoing articles, at least once in every year on some company day of training.

COLLECTION OF FINES.

Brigade inspector to recover fines.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That all fines and forfeitures which shall have been incurred under this act, for the recovery and appropriation of which no mode is therein pointed out, shall be recovered by the inspector of the proper brigade, as debts of the like amount shall be by law recoverable.

Justices to collect fines, &c.

Whenever any alderman or justice of the peace, shall have received from the brigade inspector within whose bounds such alderman or justice shall reside, a certificate or return of any fine or fines incurred by any officer, non commissioned officer or private of the militia, he shall proceed to recover and collect the same, in the same manner as debts of the like amount may be by law recoverable. When any such fine or fines shall have been collected, the amount thereof shall be paid over to the brigade inspector within whose bounds such fine or fines shall have been recovered.

Persons refusing to pay fines, &c. may be committed to prison.

In case any delinquent or delinquents shall neglect or refuse to pay the fine or penalty incurred by him or them, and in case no property shall be found belonging to any such delinquent or delinquents, to satisfy or discharge the same, the body or bodies of any such delinquent or delinquents shall be committed, each upon a separate warrant, to the common jail of the proper county, there to be supported at the expense of the proper county, not less than one nor more than two months, at the discretion of the field officers of the regiment within the bounds of which such delinquent or delinquents shall have resided, or until the delinquent or delinquents shall have paid the penalty or penalties incurred, or shall be discharged by due course of law.

Expenses for collecting fines, how paid.

The costs which shall have been incurred in the recovery and collection of any fine or fines, in the prosecution of any person or persons for any offence or offences declared by this act to be punishable, shall be paid by the inspector of the brigade within the bounds of which such recovery, collection or prosecution shall have been had or instituted.

APPEALS.

Courts of appeal established.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That the colonels and commanding officers of the several regiments of militia, shall annually appoint a court of appeal for each battalion for the current year, which shall consist of three commissioned officers, who when sitting as a court to hear appeals, shall be under oath or affirmation to perform their duties with fidelity and impartiality.

The several courts of appeal shall be convened in not less than ten nor more than twenty days after the fourth Monday in October in

each year; and they shall hear and determine upon the appeals of such officers as shall have neglected or refused to attend on any of the days prescribed for the discipline of the officers; and also upon the appeals of such officers, non-commissioned officers, musicians or privates as shall have neglected or refused to attend the parade for the discipline of the militia, directed to be held on the first Monday of October in each year. The several courts shall examine the officer, non-commissioned officer or private charged with any offence or offences, as well as other persons who may be called, either to prove, extenuate or refute any charge, upon oath or affirmation, and the courts shall then decide according to the facts proven.

When courts of appeal shall be convened, &c.

The several courts of appeal shall also be convened in not less than ten nor more than twenty days after the militia shall have been trained, as directed by this act, in the month of May in each year; they shall severally hear and determine upon the appeal of every officer, non-commissioned officer or private conceiving himself aggrieved, and requiring to be heard. If it shall appear to any courts of appeal, after having examined any appellant on oath or affirmation, that by reason of his attendance as an arbitrator, or as a juror or witness, in any court of this state or of the United States, or before arbitrators, or that by lameness, sickness or other unavoidable cause, the officer or private appealing could not attend on the day or days for which he may have been fined, the court shall remit the fine or fines for the reasons specified only, but no excuse shall be received or redress granted at any other time or in any other manner.

Plea of a delinquent.

Cases on which fines may be remitted.

The courts of appeal of any regiment, may be called together by the inspector of the brigade within the bounds of which such regiment shall be, whenever the said inspector shall be required to do so by any officer or private who shall have incurred a penalty for any offence or neglect, which is not herein before provided for, or whenever the brigade inspector, being about to enforce a penalty, may think proper previously to submit the question to a court of appeal. Within ten days after the several courts of appeal provided for in this act shall have been held, the officers respectively who shall have acted as presidents thereof, shall furnish to their proper colonels or commanding officers respectively, a detailed and accurate list of all the fines which shall not have been remitted. Within twenty days after the receipt of the said lists, the said colonels or commanding officers shall, respectively, cause to be made out a detailed statement of all the fines incurred by the officers, non-commissioned officers and privates belonging to their respective regiments, and which shall not have been remitted, and they shall then transmit the same to the auditor general of this commonwealth, who shall charge the full amount of the said fines, not remitted, to the inspector of the brigade within which they had been incurred, and shall then file the said statements in his office. For making out and furnishing each regimental return of fines not remitted, the proper colonel or commanding officer shall receive two dollars, to be paid by the proper brigade inspector, whenever the proper colonel or commanding officer may exhibit to him a receipt for this and return from the auditor general.

Brigade inspectors may convene courts of appeal.

List of fines to be given to the colonel, &c.

who shall transmit the same to the auditor general.

Compensation.

All officers, whilst serving upon courts martial or courts of appeal, shall be in uniform.

Officers of courts martial to be in uniform.

Any field or commissioned officer of the militia is hereby author-

ized to administer the oath or affirmation required to be taken by the officers appointed to hold courts martial or courts of appeal, or any other duty to be performed in pursuance of this act, to which an oath or affirmation is required.

Each officer sitting on a court martial or court of appeal, shall receive from the proper brigade inspector, as a compensation, one dollar for each day's attendance.

CIVIL PROCESS.

SECT. XXV. *And be it further enacted by the authority aforesaid* That no certiorari or other writ shall in any case, issue from any court of law in this commonwealth, to remove any proceedings that shall be had in any court of appeal or court martial held under and by virtue of this act, or under or by virtue of any law of the United States; and no court of law of this commonwealth, or alderman or justice within the same, shall in any case hear or determine, or in any manner take cognizance of appeals that may be offered or attempted, from any sentence or decree passed or made by any such court of appeal or court martial, any law, usage or practice, or any construction of any clause of this act to the contrary in anywise notwithstanding. And if any justice of the peace, alderman or judge of any of the courts of this commonwealth, shall issue or cause to be issued any writ or process, with a view to re-hear, examine or obstruct, directly or indirectly, the decision of any court of appeal or court martial, or shall, under any pretence whatsoever, invalidate or defeat, or shall assist to defeat any sentence of a court of appeal or court martial, any and every such justice of the peace, alderman or judge so having offended shall be deemed and held to be guilty of a misdemeanor in office: *provided*, that nothing herein contained shall impair or affect the provisions of an act for the better securing personal liberty and preventing wrongful imprisonments, passed the eighteenth of February, one thousand seven hundred and eighty-five.

All suits that may be brought against any person or persons, for any thing done in pursuance of this act, shall be commenced and tried in the county where the cause of action shall have arisen and not elsewhere, and the defendant or defendants, may plead the general issue, and give this act and the special matter in evidence; and if the jury shall find for the defendant or defendants, or if the plaintiff or plaintiffs shall be non-suited, or shall discontinue his or their action or actions, after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and shall have the like remedy for the same as any defendant or defendants hath or have in other cases to recover costs by law.

No civil process shall be served upon any officer non-commissioned officer or private, when going to, whilst attending at or when returning from any parade for disciplining any part of the militia; nor shall any fine be inflicted on any officer, non-commissioned officer or private on any day of training, who shall have been legally summoned, and who shall have attended as a witness before any court, arbitrators, alderman or justice of the peace.

No execution or other process shall issue against any officer, non-

Who may administer oaths.

Compensation.

No judge or justice to interfere with the decision of courts of appeal, &c.

For such interference, how punishable.

Proviso.

Suits to be tried in the proper county.

No process to issue on any officer or private going to or returning from parade.

commissioned officer or private of the militia, when called into 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; nor shall any such process issue against him until thirty days after he shall have returned from duty to his usual place of residence, or until forty 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 any such person being ordered 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.

Persons exempt from executions &c.

When executions may issue.

The uniform, arms and accoutrements of every person enrolled in the militia of this commonwealth, and the horse and its furniture of every person entitled to use a horse as a militia man, serving in the militia or volunteer cavalry of this state, shall be exempt from all suits, distresses, executions or sales for debt or for the payment of taxes.

Uniforms &c. exempt from executions, &c.

ABLE BODIED MEN.

SECT. XXVI. *And be it further enacted by the authority aforesaid,* That each person within the ages hereinbefore defined, who shall have been enrolled in the militia, shall be considered as an able bodied man, unless he shall produce, to the colonel or commanding officer of the regiment within the bounds of which he may reside, a certificate from two practising surgeons or physicians, to be approved by a majority of the field officers, that his infirmity is such as to prevent the performance by him of any military duty.

Ablebodied men.

SUBSTITUTES.

SECT. XXVII. *And be it further enacted by the authority aforesaid,* That no able bodied person enrolled in the militia, shall be allowed to offer a substitute when the company or class in which he shall have been enrolled, shall be called into the service of the United States or of this state, unless the person offered as a substitute be an enrolled militia-man, or shall be approved of by the commanding officer of the proper regiment, company or troop.

Who may be offered as a substitute.

If any person who shall have marched as a substitute, shall be called upon to serve in his own turn, prior to the expiration of the term for which he was to serve as a substitute, then the person in whose stead he shall have marched, shall either march himself to answer the new call, or shall procure a second substitute, and this he shall not be allowed to do unless upon the same condition as in the first instance.

PENSIONS.

SECT. XXVIII. *And be it further enacted by the authority aforesaid,* That if any officer, non commissioned officer or private militia man or volunteer serving with the militia, residing in this state, having a family, shall be slain in battle or shall die in the service of this state, his widow, child or children shall be entitled to similar relief, and under the same regulations and restrictions as were provided by the

Relief for widows and children.

act entitled, "An act to provide for the more effectual relief of the widows and children of the officers and privates of the militia, who have lost their lives in the service of their country," passed the twenty-seventh day of March, one thousand seven hundred and ninety. And if any officer, non-commissioned officer or private militiaman or volunteer serving with the militia, residing in this state, shall be wounded or otherwise disabled in the service of this state, he shall be entitled to similar relief, and under the same regulations and restrictions, as have been provided by an act entitled, "An act for the relief of officers, soldiers and seamen who in the course of the late war, have been wounded or otherwise disabled in the service of this state or of the United States," passed the tenth day of March, one thousand seven hundred and eighty-seven, which last aforesaid act, so far as relates to the purposes of this act, is hereby revived and in full force.

In case of wounds:

PAY AND RATIONS.

SECT. XXIX. *And be it further enacted by the authority aforesaid,* That the commissioned officers, when called into actual service, either on a requisition from the president of the United States or under the orders of the governor, shall receive the like pay and rations and other emoluments, as are or shall be granted by the United States to the commissioned officers of the regular army, at the time the militia shall be in service.

Pay and rations the same as those of U. S.

That the non-commissioned officers, musicians and privates of the militia of this commonwealth 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, each corporal eleven dollars, each musician and private ten dollars per month; which additional pay shall be paid in the manner that is provided by this act.

Pay of non-commissioned officers and privates.

That the non-commissioned officers, musicians and privates of the militia of this commonwealth, when called into the actual service of this state, shall receive the like pay as is directed by this act, to be paid out of the treasury of this commonwealth by the governor, on warrants to be drawn by him, in favour of a pay-master or pay-masters by him to be appointed from time to time, as he may deem necessary.

Governor to appoint a pay master, &c.

That each paymaster shall attend at the proper camps, at the expiration of the time of service of the 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 each pay-master with complete lists or rolls, certified under their hands respectively, of all the commissioned and non-commissioned officers, musicians and privates under their respective commands, which lists or rolls, shall be countersigned by the colonel or commanding officer respectively.

who shall attend at proper camps.

And be furnished with pay rolls.

That each pay-master, before he enters upon such service, shall give bonds to the governor, with sufficient sureties, conditioned for the faithful performance of his duty; and he shall receive such compensation for his service as the governor and accountant officers shall

To give bond, &c. Compensation.

deem just and reasonable, in proportion to the service he may have performed.

That in all cases of emergency, where money may be wanted to organize, furnish or supply the militia of this commonwealth, who may be called into actual service during the present war with Great Britain, 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.

Governor to draw money.

ARMS AND EQUIPMENTS.

SECT. XXX. *And be it further enacted by the authority aforesaid,* That the officers of the militia of this commonwealth, shall severally, at their own expense, furnish themselves with such arms and equipments as shall be designated for each description of troops by the commander in chief.

Officers to furnish themselves with arms, &c.

The non-commissioned officers and privates of the militia shall be armed and equipped at the expense of this commonwealth, when called into actual service thereof, and at their own expense on days of training.

Privates, &c. to be armed by the commonwealth.

The arms and equipments for each description of troops of the militia of this commonwealth, shall be such as those which shall be in use in corps of the same description in the regular army of the United States, and shall be particularly designated in orders to be issued for that purpose by the commander in chief of the militia of this commonwealth.

Militia to be armed as 12 U. S. troops.

UNIFORM.

SECT. XXXI. *And be it further enacted by the authority aforesaid,* That the uniform of the state, division and brigade staff, shall be a blue coat, faced and lined with buff; all other particulars on the subject shall be determined by the commander in chief, and shall be made known by him to the several majors and brigadiers general, immediately after the first elections shall have taken place in pursuance of this act, but in all respects there shall be an uniformity: *provided,* That nothing herein contained shall be understood to prevent volunteer companies of cavalry, light infantry or riflemen respectively, if a majority of the officers and rank and file thereof shall agree, from providing for themselves such uniform clothing as in their opinion will be best calculated to answer the purpose.

Description uniform.

proviso.

COLOURS.

SECT. XXXII. *And be it further enacted by the authority aforesaid,* That the several regiments of militia, shall be furnished with two standards or colours at the expense of the state, to be made agreeably to the models for colours or standards now deposited in the office of the secretary of this commonwealth. The standards or colours heretofore distributed shall be collected by the brigade inspectors respectively, and shall, if in good order, be furnished two to each regiment of militia which shall be formed in pursuance of this act.

Each regiment to be furnished with two stand of colours.

COCKADE.

SECT. XXXIII. *And be it further enacted by the authority aforesaid,* That the cockade of this state shall be blue and red.

MARTIAL MUSIC.

Music to be procured by the B. inspectors.

SECT. XXXIV. *And be it further enacted by the authority aforesaid,* That the several brigade inspectors be, and they are hereby required to hire, for each regiment of infantry of the militia within the bounds of their respective brigades, one drum and one fife major, whose duty it shall be to teach one boy or youth to beat the drum, and one other boy or youth to play the fife for each of the companies of which such regiment may be composed. The said drum and fife majors shall be under the special direction of the colonel or commandant of the regiment to which they may have been attached; and the drum major shall receive ten dollars for teaching each boy or youth to beat the drum; and the fife major shall receive ten dollars for teaching each boy or youth to play on the fife; a certificate of which fact from a majority of field officers of each regiment to which the boys or youths taught shall belong, shall be necessary to warrant the proper brigade inspector in paying the said sums. Such drum and fife majors as shall have been required to attend, and shall have attended at the several parades for the discipline of the officers of the militia, directed by this act to be held, shall severally receive, for their attendance, the sum of one dollar and fifty cents per day.

Pay of drum and fife majors.

The several brigade inspectors are hereby authorized to hire one drummer and one fifer for each company of infantry and artillery, and one bugler for each company of riflemen within their proper bounds, at one dollar and fifty cents per day, and for each of the days on which the militia of this state are directed by this act to be called out for discipline.

Music to be hired, &c.

The several brigade inspectors are hereby authorized to procure, by public notice or otherwise, one boy or youth to learn to beat the drum, and another boy to learn to play the fife, for each of the companies of militia within their respective brigades. As soon as the boys or youths herein mentioned shall be able to do duty in their respective companies, they shall severally be paid by the proper brigade inspector, one dollar and fifty cents per day for each day on which they shall have respectively performed duty.

Boys to be taught martial music.

The father of every boy or youth who shall be engaged to learn to beat the drum, play on the fife, bugle horn, or trumpet, or who, after having been taught, shall be engaged to play on either, shall be exempt and excused from militia duty on days of training, whilst performing the duties of drummer, fifer or bugler: *provided*, that no boy or youth shall be taught as aforesaid, without the consent of his parent or guardian first had and obtained.

The father of such youth to be exempt, &c.

GRADE AND RANK.

SECT. XXXV. *And be it further enacted by the authority aforesaid,* That 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 accept and observe the following regulations for fixing the military meaning thereof: 1. All officers bearing the same denomination shall be held to be of the same grade. 2. All officers of the same grade, shall hold rank according to the dates of their respective commissions. 3. All officers of the same grade, whose commissions shall bear equal date, shall hold rank according to the numbers to be drawn by lot whenever they or any of them shall

Determination of the grade and rank of officers.

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.

OFFICERS OF THE MILITIA.

SECT. XXXVI. *And be it further enacted by the authority aforesaid,* That the commissions which shall be held at the date of the passage of this act, by persons appointed or elected to any office or command in the militia of this commonwealth by virtue of any former act, shall be and the same are hereby continued in full force and effect until the first day of August next after the passage of this act, so far as to enable the officer or officers holding the same to execute the duties which they would prior to that day have been required to perform, had not the present law been passed, and also to execute any duty or service under a requisition of the president of the United States, or of the governor of this state, heretofore issued or which may be issued prior to the said first day of August; but on that day the said commissions shall cease and be of no force, unless the holder or holders thereof shall be then on duty, in which case the commission or commissions shall be valid until thirty days after such duty shall have been performed, but no longer: *provided*, that nothing herein contained shall authorize any officer, non-commissioned officer or private liable to duty under any law, or let or requisition heretofore in force or issued, to obstruct or in any way alter or interfere with the arrangements directed by this act to be made for re-organizing the militia of this state; on the contrary, all such persons are hereby required to aid in carrying the said re-organization into effect.

When the present commissions shall expire.

Duties of officers holding such commissions.

Proviso.

All officers, non-commissioned officers and privates of the militia of this state, liable in pursuance of any act or acts, order or orders in force or issued prior to the date of the present act, either by the president of the United States or by the governor of this state, are hereby required to perform the same, notwithstanding the repeal of any law or laws heretofore passed for the regulation of the militia. And the said officers, non-commissioned officers and privates are hereby made subject to all the penalties for neglect or disobedience, which would be inflicted if the said act or acts had not been repealed.

Militia in the service of U. S. subject to the regulations hereby repealed.

The several brigade inspectors, who shall be appointed in pursuance of the directions of this act, shall and they are hereby required to perform all the duties which the brigade inspectors holding commissions at the date of the passage of this act, would have been bound to perform had they remained in office, in pursuance of the directions of the act or acts in force at the date hereof.

Duties of B. inspectors.

The majors general, brigadiers general adjutant general and brigade inspectors who shall be in office at the date of the passage of this act, shall continue therein until the new appointments directed by this act shall have been made, and when such appointments shall have been made their functions shall cease, and they shall deliver to their successors all books, vouchers or other property belonging to this commonwealth which shall be in their possession.

The present general officers to continue, &c.

DEFECTS OF THE PRESENT LAW.

SECT. XXXVII. *And be it further enacted by the authority aforesaid,* That the several officers who shall receive commissions in pursu-

Officers shall give notice of defects, &c.

ance of the provisions of the present act, shall be and they are hereby expressly required to make a representation to the commander in chief of the militia of this commonwealth, of any defect or defects which they may from experience ascertain to exist in the present law for the regulation of the militia of this commonwealth; and they are also hereby severally and expressly required, whenever they or any of them shall make such a representation, to recommend such alteration or alterations, amendment or amendments as they may conceive to be calculated to remedy the defect or defects that may be pointed out.

REPEAL OF FORMER ACTS.

Former acts repealed.

SECT. xxxviii. *And be it further enacted by the authority aforesaid,* That the act entitled "An act for the regulation of the militia of the commonwealth of Pennsylvania," passed on the ninth of April, one thousand eight hundred and seven, the supplement thereto, passed on the twenty-sixth day of March, one thousand eight hundred and eight, a second supplement thereto, passed on the fourth day of April, one thousand eight hundred and nine, and a third supplement thereto, passed on the twenty-ninth day of March, one thousand eight hundred and thirteen, and a fourth supplement thereto, passed on the seventh of February, one thousand eight hundred and fourteen, be, and the same are hereby repealed: *provided,* that nothing herein contained shall be construed so as to revive any former law or laws, which in and by the said recited act is or are repealed and made void, or to prevent the recovery of any fines or forfeitures incurred under any of the several laws hereby repealed.

JOHN ST. CLAIR, *Speaker*
of the house of Representatives.
P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-eighth day of March, one thousand eight hundred and fourteen.

SIMON SNYDER.

CHAPTER CXC.

An ACT establishing a Fee bill.

Fees of secretary of the 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 the fees of the several officers throughout this commonwealth shall from and after the first day of September next be as the same are hereinafter ascertained limited and appointed, viz. the fees to be received by the secretary of the commonwealth for the use of the commonwealth shall be as follows: viz. for every marriage license, one dollar; pedlar's license to travel with one horse, ten dollars; pedlar's license to travel without a horse, four dollars; certificate with the great seal, one dollar; certificate with the less seal, seventy-five cents; ditto without a seal, thirty-seven and an half cents; taking a bond from a public officer, seventy-five cents; commission of the auditor general and land officers, inspectors of lumber, salt provisions, health officers, measurers of corn and salt, superintendant of the gun-powder magazine, sealer of dry measures, each two dollars; commission for an auctioneer, twenty dollars; commission to a prothonotary clerk