

to run in favor of the terre tenant, from the time that he or she has placed their deed on record: *Provided*, That this act shall not apply *Proviso.* to any cases which have been finally adjudicated, or when the terre tenant is in actual possession of the land bound by such judgment, by himself or tenant.

SECTION 9. That so much of an act, entitled "A further supplement Act relative to hawkers and pedlers repealed, so far as relates to the county of Indiana. to an act supplementary to the acts relating to hawkers and pedlers, and regulating auctions in the county of Schuylkill," passed the twenty-seventh day of March, one thousand eight hundred and forty-eight, as relates to the county of Indiana, be and the same is hereby repealed.

SECTION 10. That if any person shall in the night time, wilfully and maliciously burn, or cause to be burned, any dwelling house, kitchen, smoke house, shop, barn, stable, store house, factory, warehouse, office, grist or saw mills, or any other building or buildings, or pile or piles of boards or other lumber, in any city or other incorporated districts within this commonwealth, every person so offending shall be deemed guilty of arson, and upon conviction thereof, shall suffer imprisonment, at hard labor, in the penitentiary, for any term not more than fifteen years, and shall forever thereafter be deemed incompetent to be an elector, juror or witness, or to hold any office of honor, trust or profit within this commonwealth. Arson.

SECTION 11. That if any person shall at any time set fire to, or attempt to set fire to, any of the buildings or other property described in the first section of this act, with the intent to burn or destroy the same, or shall advise, assist, or procure any person so to do, any person so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, at hard labor, not more than ten years. Misdemeanor.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 413.

AN ACT

To revise the militia system, and provide for the training of such only as shall be uniformed.

SECTION 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 it shall be the duty of every free able bodied white male person, Who to uniforms.*

between the ages of eighteen and forty-five years, who has resided in this commonwealth for one month, to provide himself with such uniform as may be considered a proper uniform for a volunteer company, which shall in all cases be a substantial uniform, fit for service.

Companies to consist of not less than thirty rank and file. SECTION 2. That the persons thus uniformed, shall form themselves into companies of not less than thirty rank and file, and elect their own officers, make their own by-laws, regulate, collect, and apply their own fines and forfeitures.

Battalions. SECTION 3. That where there are three or more companies in any brigade, they shall be formed into battalions and regiments, uniting such companies as may be most suitable from circumstance of locality and grade, and be entitled to elect such field officers as are allowed to the same force of troops in the regular army: *Provided*, That two cavalry companies where there are no more that can be connected with them, shall be a battalion: *And provided*, That should there not be three companies in any brigade, then and in that case, the company or companies in the said brigade, shall elect a brigadier general, brigade inspector, and major general, as directed in the twelfth section of this act.

Companies to meet twice each year. SECTION 4. That the uniformed militia shall meet by companies for training and discipline, not less than twice in each year, at the discretion of each company, and each battalion and regiment shall meet for training and inspection, not less than once in each, at such time and in such order as shall be directed by the brigade inspector, till all the battalions and regiments shall have paraded.

Captain to furnish under oath copy of roll of company to county commissioners, &c. SECTION 5. That the captain or commanding officer of each company shall furnish a copy of the roll of said company, under oath or affirmation, to the county commissioners, at such time as the assessment of taxes are returned in each and every year, designating the township, ward or borough, in which each member resides, and furnish at the same time a certificate to the commanding officer of the battalion or regiment to which his company may be attached, or in case any company be not attached to any battalion or regiment, then he shall transmit the same to the adjutant general, certifying to the number of members uniformed, and belonging to his company.

Assessors, duty of. SECTION 6. That it shall be the duty of the assessor of each township, ward or borough, to furnish a list to the county commissioners of all male persons residing in said township, ward or borough, between the ages of twenty-one and forty-five years, for which he shall receive as a full compensation, one cent per person: *Provided*, That the assessors shall not return on their said lists, any persons who they shall know to hold such certificates as are recognized in the eighth section of this act, and all aforesaid persons who are not uniformed and enrolled as aforesaid, shall be considered as delinquent militia men, and subject to a fine of fifty cents for each year that such delinquent remains ununiformed and unenrolled as aforesaid.

Officers, musicians, privates, &c., who served in the late war with Mexico to be exempt from military duty, except &c. SECTION 7. That the officers, non-commissioned officers, musicians and privates which were attached to the first and second regiments of Pennsylvania volunteers, and also the officers, non-commissioned officers, musicians and privates of the eleventh regiment of infantry, the regiment of voltiguers, the third regiment of dragoons, and all other soldiers enlisted in this state in detached companies, who were mustered into the service of the United States, and who actually served in the late war with Mexico, and were honorably discharged, shall be forever hereafter exempt from militia duty, and from performing any other military duty whatsoever, except in time of an invasion, insurrection, or actual war.

County commissioners, duties of. SECTION 8. That it shall be the duty of the county commissioners, in making out the duplicate for the collection of state taxes, in each and

every year, having received the rolls of the captains, and lists of the assessors, and ascertained the delinquent militia men within their respective counties, to add said fine of fifty cents to the amount of state tax of each aforesaid delinquent, to be collected with the same, under the same authority, and in all respects as authorized in the case of collection of county rates and levies; and said commissioners shall keep a book in which shall be entered the amount of fines of delinquents ascertained as aforesaid, which, after deducting exonerations, in accordance with the eighth section of this act, shall be a separate military fund, the collector being allowed out of said fund the same per cent. as for collecting other taxes, and any books and stationery, as well as the time of the commissioners necessarily occupied in military business, to be paid out of said fund.

SECTION 9. That in case there be any person named in said warrant who could not be found, or from whom it was impracticable to collect said fine or fines, it shall be lawful for the county commissioners to administer an oath to the collector, that he made diligent search, and no such person could be found in his bounds, or that any such fine ought not to be, or could not be collected, together with all legal certificates, which certificates shall be of service as a volunteer or commissioned officer, for any seven years before, or any five years after the passage of this act, or a certificate of a sworn surgeon of a regiment, or to practising physicians, under oath, that such persons are not capable of performing military duty, the said commissioners shall give the said collector a credit order, which shall be an ample voucher for said collector in the settlement of his military account with the county treasurer.

SECTION 10. That it shall be the duty of the county treasurer immediately after the final settlement of the military account of each collector, annually to pay over to the several assessors the amount due for services in compliance with the sixth section, and to the commissioners in compliance with the eighth section of this act, to the treasurer of each company uniformed and organized as aforesaid, (which treasurer every said company is hereby authorized to elect,) upon the order of the captain or commanding officer of said company, the sum of fifty dollars to every company of not less than thirty men rank and file, and seventy-five dollars to each company, of not less than fifty rank and file, being to pay armorer, and keep up armory, and to pay music: It shall also be the duty of the county treasurer to pay over to the brigade inspector any reasonable expenses incurred or paid by him in collecting military property in his brigade, and in the necessary transportation of arms and accoutrements, or military stores, of which he shall furnish vouchers, certifying to their correctness, and ten dollars for each company, fifteen dollars for each battalion, and twenty dollars for each regiment, he shall have organized within the year, and the aforesaid sums allowed for the items aforesaid, shall be considered as a full compensation for the services of brigade inspectors: *Provided*, That the amount to be paid to any brigade inspector in any one year shall not exceed one hundred and fifty dollars: *And provided*, That should there be no organizations in any brigade in any year, then and in that case he shall receive ten dollars per company for inspecting the first five companies, if there be five companies in his brigade, a statement of which several expenses, the county treasurer shall make out and transmit to the state treasurer, together with the balance of the military fund, which balance is hereby appropriated to the payment of the state debt: *Provided*, That should the amount of military fund collected as aforesaid in any county, be insufficient to pay the amount allowed to each company as aforesaid, then and in that case the state treasurer shall pay to the county treasurer,

In case fines cannot be collected, county commissioners may administer an oath to collector, &c.

County treasurer, duty of.

Amount to be paid to companies.

Pay to brigade inspectors.

Proviso.

Proviso.

upon his official statement, any such deficiency for the purpose aforesaid, out of the military fund, together with the expenses and salary of the adjutant general, before the aforesaid balance shall be appropriated for the payment of the state debt.

Brigade inspector,
duty of.

SECTION 11. That it shall be the duty of the brigade inspector to attend in person to every aforesaid organization, and furnish the requisite number of clerks at his own expense, make returns of the same to the secretary of the commonwealth, receive and distribute commissions to officers elected, to make requisition for, receive and disburse arms to each company, take and preserve secured bonds for their safe keeping, and annually inspect the same.

Colonel, duty of.

SECTION 12. That it shall be the duty of the colonel or commanding officer of each regiment, and major or commanding officer of each battalion, not attached to any regiment, on or before the first day of August in each and every year, to transmit to the adjutant general a certificate, certifying the number of companies in his command, and their title, and number of members in each company, which certificates, together with those of captains of companies not attached to any battalion or regiment, shall form a data for the said adjutant general's annual report of the strength of the military force of the state.

Meetings of uniform
companies.

SECTION 13. That all the uniform companies that shall be organized on or before the first Monday of June, one thousand eight hundred and forty-nine, shall meet at their usual place of meeting on said first Monday of June, and on the first Monday of June in every five years thereafter, an election shall be held in each company for one brigadier general and one brigade inspector for each brigade; also, for such field officers as the battalion or regiment to which each company may be attached shall be entitled to; the captain or commanding officer of each company shall superintend said election, and take to his assistance one or more members, who shall be severally sworn or affirmed to conduct said election fairly and impartially, and make a true and correct return thereof; and when the said election shall have been closed and the votes counted, the said superintendent and his assistants shall make out duplicate returns of the same, to be signed by them, stating the number of votes given for each person for the different offices voted for, for the battalion or regiment, as well as the brigadier general and brigade inspector; one of said returns the said superintendent in each company shall cause to be filed with the papers of the company, and the other he shall, within ten days thereafter, deliver, or cause to be delivered to the brigade inspector then in commission, who shall open and cast up the same, and shall make out one general return of the election of each officer having the highest number of votes, and having certified and signed the same, shall forthwith transmit the same to the secretary of the commonwealth; and the said brigade inspector shall immediately cause a written certificate and notice to be given to each said persons of his election, and the returns of the election from each company received by said brigade inspector shall be filed and preserved in his office, and subject to the inspection of any person interested who may wish to examine the same.

Elections.
Officers.

Returns of election to be filed
with the papers
of the company
and in the office
of the secretary
of the common-
wealth.

Election of major
general.

SECTION 14. That the first Monday of July then next ensuing, and the first Monday in July in every five years thereafter, shall be the time of election of major general of each division in this commonwealth, and all the commissioned officers of companies, battalions, regiments and brigades, within the bounds of each division, who shall meet at the county seat in each brigade, which said county seat is hereby declared to be the place of holding said elections, shall be entitled to vote for major general, and that the brigade inspector who shall have been

Who shall super-
intend said elec-
tion.

electd on the first Monday of June as aforesaid, shall superintend said election, assisted by the brigadier general or other senior officer present, and after counting the votes, duplicate returns of said election shall be made out and signed by the said brigade inspector and assistant, stating the number of votes given for major general; and the said brigade inspector shall file one of said returns in his office and transmit the other to the secretary of the commonwealth, whose duty it shall be, having received the returns of all the brigade inspectors, to count and cast up the returns of each division, and transmit a major general's commission to the person having the highest number of votes in each division. Returns.

SECTION 15. That on the third Monday of August, one thousand eight hundred and forty-nine, and on the same day every five years thereafter, an election shall be held within the bounds of each organized company for the election of company officers, and the captain shall appoint two officers or members of the company to hold said election, who shall be severally sworn or affirmed to conduct said election fairly and impartially, and to make a true and correct return thereof, and when the said election shall have closed, duplicate returns thereof shall be made out and signed by said members, one of which shall be filed with the papers of the company, and the other they shall cause, within ten days thereafter, to be delivered to the brigade inspector, who shall make out one general return for each battalion or regiment of the officers elected in the several companies thereof, which he shall certify and transmit to the secretary of the commonwealth, upon which commissions shall issue to the several officers elected; and as often as any vacancy occurs in any of the aforesaid offices, by death, resignation, or otherwise, an election shall be held to supply the vacancy, which shall be conducted and returned in all respects as directed for conducting the original election of such officers, upon ten days' notice from the brigade inspector, by written or printed advertisement or otherwise, given to the qualified voters, to fill such vacancy, and the brigade inspector may attend or appoint any other fit person to conduct such election; and in case of the inability of the brigade inspector to attend to any original election as aforesaid, it shall be lawful to be conducted by any fit person whom he may appoint. Election of company officers.

Returns of said election, where to be filed.

Vacancies, how supplied.

SECTION 16. That every person who shall have been uniformed and enrolled, and faithfully served as a member of any volunteer company or companies for five successive years after the passage of this act, the evidence of which shall be a certificate, taken from the book of the company or companies to which he may have belonged during said five years, signed by the captain or captains in command at the time of giving said certificate, shall forever thereafter be exempted from military duty, except in time of invasion, insurrection or actual war. Persons serving for five years to be exempt thereafter from military duty.

SECTION 17. That each county in this commonwealth shall be a separate brigade, and shall be numbered in the division to which they severally belong by the brigade inspectors and brigadier generals who shall be elected on the first day of June, one thousand eight hundred and forty-nine: *Provided*, That the city and county of Philadelphia shall be divided into three brigades, as at present established. Each county to be a separate brigade. Proviso.

SECTION 18. That the first division—city and county of Philadelphia.

Second—Bucks, Montgomery and Delaware.

Third—Chester and Lancaster.

Fourth—York and Adams.

Fifth—Dauphin, Lebanon and Berks.

Sixth—Schuylkill, Carbon and Monroe.

Seventh—Northampton, Pike and Lehigh.

Eighth—Northumberland and Union.

Divisions.

Ninth—Columbia, Luzerne and Wyoming.

Tenth—Susquehanna and Wayne.

Eleventh—Lycoming, Clinton and Potter.

Twelfth—M'Kean, Elk, Forest and Clarion.

Thirteenth—Sullivan, Bradford and Tioga.

Fourteenth—Juniata, Mifflin, Centre, Huntingdon and Clearfield.

Fifteenth—Cumberland, Perry and Franklin.

Sixteenth—Bedford, Somerset, Cambria and Blair.

Seventeenth—Westmoreland, Fayette, Washington and Greene.

Eighteenth—Allegheny, Armstrong, Indiana and Jefferson.

Nineteenth—Beaver, Butler, Mercer and Lawrence.

Twentieth—Crawford, Erie, Venango and Warren.

SECTION 19. That the vice president of the United States, the 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 who are employed in the care and conveyance of the mail of the post office of the United States, all ferrymen employed at any ferry on the post roads, all inspectors of exports, all pilots, all mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who may be hereafter exempted by any law of the United States or of this state, shall be and hereby are exempted from militia duty.

SECTION 20. That it shall be the duty of the adjutant general to prepare and digest a complete military code, in conformity to the true intent and spirit of this act, and to report the same to the next legislature, at the commencement of its session, for which a reasonable compensation shall be made.

SECTION 21. That all former laws and supplements to laws on the subject of the militia of this commonwealth, be and the same are hereby repealed, except such parts as relate to the adjutant general, his appointment, duties, salary, &c., and to contested elections, and such as relate to and regulate courts martial and the calling of the military into actual service of the state or United States.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The seventeenth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON