

make a full and true return of the several quantities of land in the district or township, granted to, or surveyed for any person, the number of buildings thereon, distinguishing dwelling houses from other buildings, and the number of its inhabitants, distinguishing white from black, and the said commissioners shall cause the said returns to be transmitted to the general assembly of this state on or before the first day of November next ensuing the date hereof.

Passed March 21, 1783. Recorded L. B. No. 2, p. 79, etc. See the Acts of Assembly passed September 25, 1783, Chapter 1052; April 5, 1785, Chapter 1161; March 8, 1786, Chapter 1209.

CHAPTER MXXII.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR THE REGULATION OF THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA,"¹ AND TO REPEAL THE ACT, ENTITLED "A SUPPLEMENT TO THE ACT FOR THE REGULATION OF THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA."²

(Section I, P. L.) Whereas it is conceived that the act of general assembly entitled "An act for the regulation of the militia of the commonwealth of Pennsylvania," passed the twentieth day of March, in the year of our Lord one thousand seven hundred and eighty,¹ may be improved, by the abolition of the office of sub-lieutenants of the city and counties, by appropriating the fines, and ascertaining the pay of the militia, and by altering the days of mustering and other alterations hereinafter mentioned:

[Section I.] (Section 11, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the first day of April next the office of sub-lieutenant of the city of Philadelphia and the several counties of this state shall be and the same is

¹ Passed March 20, 1780, Chapter 902.

² Passed September 22, 1780, Chapter 916.

hereby vacated and abolished, and the lieutenants of the said city and counties respectively shall do, exercise and perform, all and singular the duties, matters and things required by the act aforesaid to be done and performed by the sub-lieutenants, excepting as is hereinafter directed.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the lieutenants of the city and counties aforesaid shall each of them have and receive the sum of twelve shillings and six pence and no more for every day they shall be actually employed in doing and performing the respective duties required by this act and the act to which this is a supplement.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons do think him or themselves aggrieved by anything done in pursuance of the act of assembly aforesaid in order that he or they may have their grievances redressed, the lieutenants of the city of Philadelphia and of the several counties shall forthwith after the marching of the militia proceed to superintend the appeals from day to day, Saturdays and Sundays only excepted, and the lieutenant shall transmit his orders, specifying the time and place of meeting of the several appeals to the lieutenant-colonel of commanding officers of each battalion within this jurisdiction, without delay, who shall forthwith send the same, by the adjutant of such battalion, or by some other fit person, to the several captains or commanding officers of companies within the district thereof, as speedily as may be; and the said captains or commanding officers of companies shall thereupon notify the same to every person enrolled in their several companies in the manner and within the time prescribed by the aforesaid act.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That hereafter the captain or commanding officer of the company in which a substitute shall serve, shall have the sole and exclusive power of determining on the abilities and fitness of such substitute; and the lieutenant of the city and each county hereafter shall appoint two honest

and skilful freeholders to appraise, on oath or affirmation, the horses and accoutrements of persons serving as light horse.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the several and respective officers, who shall hereafter be elected or appointed, agreeable to the aforesaid act, shall serve respectively as officers of the militia for and during the term of three years; and in case of death, resignation or cashiering by a court-martial, the vacancy shall be supplied by election in the same manner as the officers were first elected by the aforesaid-act, any law, custom or usage to the contrary notwithstanding.

(Section VII, P. L.) Provided always, That any officer cashiered shall not be capable of being re-elected.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That no person shall be capable of electing officers or to be elected, who has not taken an oath or affirmation of allegiance, according to law, to this or some one of the United States; anything in the act to which this a further supplement to the contrary notwithstanding, young men who have arrived to the age of eighteen years since the time limited by law for taking the oath or affirmation of allegiance as aforesaid, and all such who have mustered or performed a tour of militia duty excepted.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the returns hereafter to be made, by the captains or commanding officers of companies, of the delinquents on all days of exercise, together with the fines by them received from any such delinquents, shall be upon oath or affirmation.

[Section VIII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act the whole of the militia of this state shall be subject to be exercised in companies, under their respective officers, as followeth, that is to say; in the city of Philadelphia and districts annexed, in companies, on the two last Mondays in the month of April; and the first battalion, in battalion, on the first Monday in the month of May; the second battalion on the Tuesday following; the third battalion on the Wednesday; and so

on, according to their numerical rank, on every day of the week Saturday and Sunday excepted until the whole number of battalions shall have mustered in the aforesaid manner; and in autumn or fall season of the year, shall meet to exercise in companies, the two first Mondays in the month of September; and the first battalion, in battalion, on the third Monday of the said month; the second battalion on the Tuesday following; the third battalion on the Wednesday; and in this manner until the whole number of battalions have mustered, except as before excepted, and in each and every county in the following manner, that is to say; in companies, the two last Mondays in the month of April; and in battalion, in the following manner, to wit: The first battalion shall meet, in battalion, on the first Monday in the month of May; the second battalion on the Tuesday following; the third battalion on the Wednesday; and so on, according to the days of the week (Saturday and Sunday excepted) until the whole number of battalions belonging to each county shall have mustered in this manner, and in companies, the first and second Mondays in the month of October; and the first battalion, in battalion, on the next succeeding Monday; the second battalion on the Tuesday following; the third on the Wednesday, and in this manner until the whole number of battalions belonging to each county, according to their ranks, severally shall have mustered on any day it may happen, except as before is excepted; and the militia shall be and is hereby indemnified and excused from mustering on any other days than those enumerated in this act.

[Section IX.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That if any commissioned officer shall neglect or refuse to attend on any of the days appointed for exercise in company as aforesaid (unless prevented by sicknesses, or some other unavoidable accident) such commissioned officer shall forfeit and pay the sum of ten shillings, and any non-commissioned officer or private, and all enrolled persons so refusing or neglecting (except as before excepted) shall forfeit and pay the sum of five shillings, and upon a battalion day, a field officer who shall neglect or refuse to attend shall forfeit and pay the sum of forty shillings, and every other officer, non-

commissioned officer or private and all enrolled persons, refusing to meet and exercise on battalion days, shall forfeit and pay double the fines or forfeitures they may incur for non-attendance on company days, as aforesaid, except as before excepted.

[Section X.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the fines incurred by any person for non-attendance on muster-days, from and after the first day of April next, shall be, and they are hereby appropriated for the purchasing of arms and accoutrements for such persons enrolled in the militia of the city and counties respectively as shall be unable to purchase for themselves; and that the arms and accoutrements so purchased, from time to time, be distributed by the lieutenants equally amongst the several battalions, the commanding officers whereof shall cause the same to be deposited in some suitable place or places within the district of such battalion, for the use aforesaid, and shall be responsible to the lieutenants for their safe keeping.

[Section XI.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That if any persons, who may have acted in the office of lieutenant or sub-lieutenant of the city of Philadelphia or any of the counties of this state, shall, upon the resignation of his office or being legally superseded therein, refuse to deliver up to his successor in office or to any person who is or shall be appointed by the president or vice-president in council to receive the same, all and singular the books, duplicates, returns or other papers belonging to or in use in the said office (demand being made thereof in writing) he or they, so offending, shall forfeit the sum of five hundred pounds and the necessary costs of prosecution, for every such refusal, to be recovered by his said successor in office, or other person duly authorized as aforesaid, upon indictment, bill, plaint or information, or by action of debt, in any court of record within this state, to be applied as other militia fines are directed by the law, to which this is a supplement; and in case of a second refusal, such person shall suffer as well the said penalty, as the further punishment of six months imprisonment without bail or

mainprize; and the justices of the court where such penalty shall be recovered shall order the said commitment accordingly.

[Section XIII.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the commanding officers of the respective battalions shall attend at the place of rendezvous of the marching class or classes, and the commanding officers of the marching class or classes are hereby required then and there to deliver to the commanding officer of the battalion, a muster roll of all those who attend and proceed to perform their then required tour of duty under the penalty of fifty pounds; which return or muster roll shall be transmitted by the said commanding officer of the battalion within five days after marching, under the penalty of one hundred pounds, to the lieutenant of the city or county to which they belong; and the said lieutenant shall, after the appeals are ended, without delay, make out fair duplicates in writing of the fines incurred in each battalion, and shall deliver the same to the respective collectors of the supply taxes for the time being in each township, ward or district, who are hereby authorized and enjoined to levy and receive from each and every person the sum annexed to his name; and the said collectors shall be entitled to the like reward as the sheriff heretofore by virtue of the aforesaid act; and the moneys so collected shall be paid by the respective collectors to the treasurer of the county within which they inhabit, under the penalty of five hundred pounds, and by him to the treasurer of the state, to be by him kept apart, as a fund towards paying the militia, to which purpose the same is hereby appropriated, and to no other use whatsoever; but the militia of any county shall not be entitled to draw on the state treasury for more money, than has been paid into the same by the treasurer of the county to which the militia applying belong, until the fines arising from the delinquency of such county shall be paid into the state treasury as aforesaid.

[Section XIII.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That when the militia or any detachment thereof are called out on duty, each officer, non-commissioned officer and private shall receive pay equal to the pay allowed to officers, non-commissioned officers and privates in the

continental army, and no more; and that every person refusing or neglecting to perform his tour of duty shall pay ten pounds ten shillings for every such neglect or refusal.

(Section XVI, P. L.) And whereas it is just and reasonable that those who have considerable property should pay for the protection of that property when they do not give their service in facing danger in the field or bearing any of the necessary fatigues attending a military life, and to compel all persons to give their personal service or some equivalent therefor in some proportion to such property:

[Section XIV.] (Section XVII, P. L.) Be it therefore enacted by the authority aforesaid, That all and every person and persons who are in and by the act, to which this is a supplement required to perform a tour of duty, and have an estate, shall pay for neglecting to perform the said tour of duty, in addition to the sum fixed as aforesaid, a sum equal to one-fifth part of the amount of the sum he is rated and to pay on all his rateable property and occupation in the manner directed to be ascertained by the act for raising supplies for the year one thousand seven hundred and eighty-three, and as may be directed to be taken by every yearly or other state tax in future.

(Section XVIII, P. L.) Provided always, That the forty-third and forty-fourth sections of the act to which this a supplement, be, and the same are hereby repealed and made void.

[Section XV.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That so much of the act for regulating the militia of this commonwealth as is herein altered and amended, be and the same is hereby repealed; and also that the act, entitled "A supplement to the act entitled 'An act for the regulation of the militia of the commonwealth of Pennsylvania,'"¹ passed on the twenty-second day of September, which was in the year of our Lord one thousand seven hundred and eighty, is hereby repealed, made null and void.

Passed March 21, 1783. Recorded L. B. No. 2, p. 87, etc. Repealed by the Acts of Assembly passed December 9, 1783, Chapter 1061; March 22, 1788, Chapter 1339; April 11, 1793, Chapter 1696.

¹ Passed September 22, 1780, Chapter 916.