

the end of every ten years after the bridge shall be completed, they shall render to the general assembly, a like abstract of their accounts for three preceding years; and if at the end of such decennial period it shall appear from such abstract that the clear profits and income of the said company will bear a dividend of more than fifteen per centum per annum, then the said tolls shall be so reduced as will reduce the said dividend to fifteen per centum per annum.

Section XV. (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if the said company shall not proceed to carry on the said work within the space of three years after they shall have been incorporated, or shall not within the space of ten years from the passing of this act, complete the said bridge, it shall and may be lawful for the legislature to resume all and singular the rights, liberties and privileges hereby granted to the said company.

Approved April 9, 1807. Recorded in L. B. No. 11, p. 49.

CHAPTER MMDCCCLIV.

AN ACT FOR THE REGULATION OF THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA.

Section I. (Section I, P. L.) 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 be and is hereby divided into division-bounds as follows, to wit: The city and county of Philadelphia shall form the first division; the counties of Bucks and Montgomery the second; the counties of Chester and Delaware the third; the county of Lancaster the fourth; the counties of York and Adams the fifth; the counties of Berks and Dauphin the sixth; the counties of Cumberland and Franklin the seventh; the counties of Northampton and Wayne the eighth; the coun-

ties of Northumberland and Luzerne the ninth; the counties of Lycoming, Tioga, Potter, Jefferson, M'Kean and Clearfield the tenth; the counties of Mifflin, Huntingdon and Centre the eleventh; the counties of Bedford, Somerset and Cambria the twelfth; the counties of Westmoreland and Fayette the thirteenth; the counties of Washington and Greene the fourteenth; the counties of Allegheny, Armstrong and Indiana the fifteenth; the counties of Beaver, Butler, Mercer, Crawford, Erie, Venango and Warren, the sixteenth division; the city of Philadelphia shall form one brigade, and each division shall be composed of two brigades; and when by increase of population or other causes the number of men in any of the regiments becomes too large, or greatly disproportionate, it shall and may be lawful for the brigadier-general and brigade-inspector with the commanding officers of the regiments in each brigade, or a majority of them, to cause new arrangements to be made in the regiments and battalions, and to equalize the same as nearly as may be, or to form additional regiments or battalions, if in their opinion the same be necessary: Provided, that no regiment shall consist of more than one thousand, nor less than five hundred men, and the battalions in the same proportions; and when from the increase of population or other causes the number of men in any of the companies of a regiment shall become greatly disproportionate to the number of men in other companies, the field-officers of such regiment, are hereby authorized to make such arrangements and distributions of the men as in their discretion shall be convenient and proper, in order to equalize the number of men in the several companies, or to form additional companies, if in their opinion the same be necessary.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That each and every free, able-bodied white male citizen of this or any other of the United States, and every other free able-bodied white male person who has been resident in this commonwealth for six months previous to the time of his enrolment, who is or shall be of the age of eighteen years, and under the age of forty-five years,

except as is hereinafter excepted, shall be enrolled in the militia, by the captain or commanding officer of the company within whose bounds such citizen or other person as above described shall reside, and it shall at all times hereafter be the duty of such captain or commanding officer to enroll, or cause to be enrolled, every such citizen or other person resident as aforesaid; and also those who shall from time to time arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty-five years, or become resident as aforesaid and not excepted by this act, shall come to reside within his bounds, noting as precisely as possible the particular age of such person enrolled; and in all cases of doubt respecting the age or residence of any person enrolled or intended to be enrolled, the party shall prove his age or residence to the satisfaction of the officers of the company within whose bounds he may reside, or a majority of them: And it shall be the duty of each captain or commanding officer of a company to take or cause to be taken an accurate class-list or roll of all the persons subject to militia duty, who shall have been enrolled by him as aforesaid, noting as precisely as possible the age of each person enrolled, and particularly designating all such persons within the bounds of his company and the ward or township in which they reside subject to militia duty, who shall desire to be considered as exempts, or persons exempted from training in regiments, battalions or companies, as is directed by this act, but not as persons exempted from the tour of duty when the militia of this state, or any detachment thereof shall be called into actual service; but if any person neglects or refuses to make his choice as aforesaid, the said captain shall place the name of such person on the list of exempts. Provided always, that exempts shall enjoy the right of appeal, and have such redress as delinquents have in cases of appeal provided for in the seventeenth section of this act: And in all cases where exempts obtain any exoneration as aforesaid, the amount thereof shall be certified under the hand of the president of the court of appeal, which certificate, when presented to the collector

of taxes, shall be received by him as payment of such part of the said exempt's fine as shall be therein expressed: and the commanding officer of each regiment, respectively, shall transmit a list of the names of the officers appointed to hear and determine on appeals for the current year to the county commissioners, on or before the first day of August annually; and the said captain or commanding officer, shall under the penalty of fifty dollars for every such neglect or refusal, yearly and every year, on or before the day of regimental review, to be in the month of May, deliver or cause to be delivered, one complete class-list or roll as aforesaid, on oath or affirmation to the brigade inspector; and it shall be the duty of the said brigade inspector, within ten days after he shall have received the said lists or rolls as aforesaid, to deliver or safely to transmit to the commissioners of the proper county, and within sixty days thereafter, to the state treasurer and register general; to each a true and accurate list of the said exempts as aforesaid, returned to him by the captains or commanding officers of the respective companies, under the penalty of twenty dollars for every neglect or refusal thereof; and shall incur a further fine of twenty dollars for every month's delay after the expiration of the said sixty days, to be recovered by the treasurer of the state for the use of the commonwealth; and thereupon the said county commissioners shall annually fine or charge the persons so returned to them as exempts in their respective duplicates the sum of four dollars each over and above the amount of their taxes, keeping the amount of the said fines in a separate and distinct column from the county tax; and it shall be the duty of the said commissioners, under the penalty of five hundred dollars each for every neglect or refusal, to be recovered agreeably to the provisions of the thirty-third section of this act, to direct and cause the said exempt fines to be collected annually, at the same time and in the same manner in which the county tax is directed by law to be collected, except as to the discretion of exoneration invested in the commissioners in other cases, and in like manner to be paid and received in the treasury of the

county, and the county treasurers respectively, are hereby directed to keep separate and distinct accounts of all the monies so by them received for exempt fines in pursuance of this act, and the said county treasurers respectively shall settle with the register general, and pay yearly to the treasurer of the commonwealth, such fines from exempts as they shall receive by virtue of this act, under the penalty of two hundred dollars for every such neglect; and the said county treasurers, respectively, shall be allowed in the settlement of their accounts with the officers of the department of accounts, five per centum on all monies so received and by them paid to the state treasurer as aforesaid; and no person who may hereafter be placed on the list of exempts, shall have the right to appeal to nor be exonerated from the payment of the tax or fine imposed on exempts by any court or tribunal whatever, other than the court of appeals of the proper battalion or regiment, within whose bounds such exempt or exempts resides: And it is hereby declared, that the county commissioners shall not have or exercise any power or authority whatever to exonerate, or make any allowance or abatement to any exempt or exempts, excepting only in such case in which a certificate of exoneration shall be produced and delivered to such commissioners by any such exempt under the signature of the president of the proper court of appeals, and any such certificate so produced and delivered to the commissioners of any county, shall be by them preserved in their proper office, and shall be ready to be produced whenever the same may be required, to ascertain the fact and ground of such exoneration or otherwise; and if any head of a family shall hereafter refuse to give an account to any captain or commanding officer, of any inmate or inmates liable to militia duty when legally called upon, residing, boarding or lodging in such family, or occupying any part of the dwelling house, or shall wilfully conceal the name or names of any such inmate or inmates, boarder, lodger or occupier, he or she so offending shall forfeit and pay any sum not exceeding twenty dollars, to be recovered before any justice of the peace, in

like manner as debts of the same amount are or may be recoverable by law: Provided always, that no person who shall be enrolled as aforesaid, shall be called upon to exercise with the militia in regiments, battalions or companies, as is directed by this act, until he shall arrive at the age of twenty-one years; but in case of threatened invasion, actual war or rebellion of this or any of the United States, then the persons enrolled who shall be of the age of eighteen years, and all such persons who are described in this act under the denomination of exempts, shall be called upon to perform their respective tours of duty, in like manner and under the same penalties with the other militia of this state.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That 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 who are 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 citizens 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, jailers and keepers of work-houses, shall be, and they severally are exempted from militia duty, notwithstanding their being above the age of eighteen years, and under the age of forty-five years.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the militia of this commonwealth shall, within the respective bounds herein mentioned, be arranged into divisions, brigades, regiments, battalions and companies; that each division shall consist of two brigades, and each brigade so to be formed shall consist of not less than

four regiments, each regiment of two battalions, each battalion of four companies, exclusive of a flank company, in such manner that no company shall consist of more than one hundred, nor less than sixty-four privates, or as near as may be, having regard to their local situations; there may be attached to each battalion one company of grenadiers, light-infantry or riflemen, which company shall be formed within the bounds of the division; and to each brigade there shall be but one company of artillery, which company shall be furnished with one piece of ordnance at the expense of the state, as soon as they are completely uniformed and equipped; and not more than one troop of horse to a regiment to be formed of volunteers, in their respective brigades, at the discretion of the governor. One-eleventh part of the infantry within the bounds of any company, shall be permitted to join such troop, and not more, without the consent of the captain or commanding officer of such company; no militia-man, who may join any volunteer company of light-infantry, riflemen, artillery, grenadiers or troop of horse, shall have the privilege of leaving the company or troop he so joined, in order to become a member of another company or troop, without the consent of a majority of the officers commanding that company or troop, in which he is enrolled, be first had and obtained; and in cases where any volunteer is desirous to leave the company or troop of which he is a member, he shall make his intentions known to his officers, who shall thereupon take the reasons assigned by such volunteer into consideration; and if the reasons so assigned shall appear satisfactory to a majority of them, the commanding officers of such company or troop shall grant the volunteer so applying, a discharge; and no captain or commanding officer of any volunteer company or troop shall admit any person a member of the company or troop under his command as aforesaid, without the person so applying shows a regular discharge from the company or troop to which he previously belonged; and no volunteer troop of horse or company of grenadiers, artillery, light-infantry or riflemen shall be commissioned, where there are not forty members of such

troop or company in complete uniform agreeably to this act; and if any brigade-inspector shall make a return of any troop or company to the governor who is not in uniform as aforesaid, in order that the commissions may be granted contrary to the intent and meaning of this act, every inspector so offending shall pay a fine of fifty dollars, to be recovered by the lieutenant-colonel of the regiment in whose bounds such a volunteer troop or company shall be, before any justice of the peace of the proper county, and the fine shall be applied to the use of the regiment.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the uniform or military dress of the militia of this state shall be as follows: to wit, For the infantry, light-infantry and cavalry, a blue coat faced with red, the lining and buttons thereof white; for the artillery, a blue coat faced and lined with red, with yellow buttons; but the uniform of the general officers and of the officers of the staff, shall be blue faced with buff, the regimental staff excepted, whose uniform shall be that of the regiment to which they belong; and the cockade to be worn by the militia of this state shall be blue and red; and every new regiment that shall hereafter be formed, shall be provided with two colors or standards at the expense of the state, to be made agreeably to the models for colors or standards now deposited in the office of the secretary of the commonwealth.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the commissioned officers of infantry, light-infantry, grenadiers and riflemen shall severally at their own expense, be armed with a sword or hanger; and those of artillery with a sword or hanger, a fusee, bayonet and belt, and cartridge-box, to contain at least twelve cartridges; the commissioned officers of the several troops of horse shall furnish themselves with good horses of at least fourteen hands and an half high, and shall be armed with a sword and pair of pistols, the holsters of which shall be covered with bear-skin caps; each light-horseman or dragoon shall furnish himself with a serviceable horse of at least four-

teen hands and an half high, a good saddle, bridle, mailpillion and valise, holsters and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, the holsters of which shall be covered with bear-skin caps, a sabre, and cartridge-box to contain at least twelve cartridges for pistols; and every person so enrolled and provided with arms, ammunition and accoutrements required as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales for debt or for the payment of taxes.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the militia shall be officered as follows: To each division one major-general, and two aides-de-camp with the rank of a major; to each brigade one brigadier-general, one brigade-major, one quarter-master of brigade and one brigade-inspector, each with the rank of a major; to each regiment one lieutenant colonel commandant, and to each battalion one major; to each company of infantry, including a light-infantry, riflemen and grenadiers, one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer and one fifer or bugler. There shall be a regimental staff, to consist of one adjutant and one quarter-master, to rank as lieutenant; one pay-master, one surgeon, one chaplain, one surgeon's-mate, one sergeant-major, one quarter-master sergeant, one drum-major and fife-major; and there shall be to each company of artillery one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer and one fifer; and to each troop of horse there shall be one captain, two lieutenants and one cornet, four sergeants, four corporals, one saddler, one farrier and one trumpeter; there shall be one adjutant-general, and one quarter-master-general, each with the rank of brigadier-general, appointed for the whole militia of Pennsylvania, and the first sergeant of every company shall act as clerk of the company.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the major-generals, adjutant-general and quarter-master-general shall be ap-

pointed and commissioned by the governor; the division officers to be residing within their respective divisions; the major-generals shall appoint their own aides-de-camp; the brigadier-generals their brigade-majors. The field-officers of each regiment shall appoint their respective regimental staffs; the brigadier-generals and brigade inspectors, lieutenant-colonels, majors, captains, lieutenants, ensigns, sergeants and corporals shall be elected in form and manner hereinafter provided; but no person shall be eligible or hold a commission in the militia, who is not a citizen of this state, or who shall not reside within the brigade, regiment, battalion or company in which he was elected, except the first division, who are hereby authorized to elect their commissioned officers from any part within the bounds of the division; but if any officer removes out of the bounds aforesaid, he shall forfeit his commission. All commissioned officers shall be commissioned during four years, if they shall so long behave themselves well, and shall take rank according to the date of their commissions; and when two or more of the same grade, whose commissions bear an equal date, shall meet on command, then their rank shall be determined by lot, to be drawn by them in the presence of the commanding officer of the detachment; and if any commissioned officer shall remove out of the bounds of the brigade, regiment, battalion or company for which he was elected, his office shall thereby forthwith become vacant.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the adjutant-general to distribute all orders from the governor, as commander-in-chief of the militia of the state, to the brigade-inspectors or the several corps when in actual service; to attend all public reviews when the governor shall review the militia; to obey all orders from him relating to the carrying into execution, and perfecting the system of military discipline established by this act; to furnish each brigade-inspector with one set of blank forms of the different returns that may be required, for which he shall be allowed in the

settlement of his accounts, with the officers of the department of accounts, and to explain the principles on which such returns should be made; to receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline; all which the several officers of divisions, brigades, regiments, battalions, troops and companies are hereby required to make, in such manner as the governor shall direct, so that the said adjutant-general may be furnished therewith; from all which returns he shall make a general return of all the militia of the state, and lay the same before the governor, and transmit a duplicate thereof to the President of the United States. The said adjutant-general, before he enters on the exercise of the duties of his office, shall give bond with two or more sufficient sureties, in the penalty of five thousand dollars, conditioned for the due and faithful performance of the said duties, and shall in full compensation for his services, receive a yearly salary of six hundred dollars; and it shall be the duty of the said adjutant-general, his heirs, executors or administrators, under the penalty of one thousand dollars, to deliver to his successor all the books, papers and documents relating to the duties of his office.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of each brigade-inspector, at least once in every year, to inspect the arms, ammunition and accoutrements of the militia composing his brigade; to execute all orders which he may receive from the adjutant-general or commander-in-chief, to superintend the elections of field-officers, to furnish all the necessary blank returns, the form of which shall be prescribed by the adjutant-general, to deliver or cause to be delivered yearly and every year, on or before the first day of April, to each captain or commanding officer of a company, three blank inspection-rolls and three blank class-rolls, for which blank

rolls he shall be allowed yearly in full compensation therefor ten dollars for each regiment in his brigade; which several rolls the said captain or commanding officer of a company is hereby directed to fill, and shall, under the penalty of twenty dollars, yearly deliver or cause to be delivered, one of each to the commanding officer of the regiment, one of each to the brigade-inspector, and the other he shall keep filed in his own possession; and the said inspector, when he has received the said returns, shall, within twenty days under the penalty of twenty dollars, make out therefrom three complete brigade-returns and deliver one to the adjutant-general, one to the brigadier-general and the other to the major-general of the division, and he shall file in his office all returns received by him and a copy of all returns made to his superior officer; and it shall also be the duty of each brigade-inspector, when any class or classes of the militia are called to perform any tour of duty, immediately to notify every officer whose tour of duty it may be, and shall cause each non-commissioned officer and private so called to be notified by a written or printed notice in the following words; "Take notice, that you are hereby required personally, or by sufficient substitute, to appear at _____ properly armed and equipped for service, at the hour of _____ on the _____ day of _____ to march when required. Appeals to be heard at _____ on the _____ day of _____. Given under my hand the _____ day of _____ A. D. _____ A. B. Captain;" by being delivered to him personally, or left at his house or usual place of abode at least three days before the time of assembling the said militia, by the commanding officer of each company, or by a sergeant or other fit person under his orders, who shall, if required, prove such notice on oath or affirmation; unless the governor, on a sudden exigency, shall think proper to order any part of the militia into immediate and actual service; in which case, the notice mentioning such special order shall be given for immediate attendance; and any person refusing or neglecting to perform such tour of duty, shall pay a fine of sixteen dollars per month for every

such offense; and it shall further be the duty of the brigade inspector forthwith after the marching of any part of the militia, to call to his assistance two respectable citizens, one of whom shall be a justice of the peace, to sit at the places named in the notices above directed to be served upon every militia-man so called out, and shall there 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 each of the said reputable citizens, before they enter on the said duties, shall take the following oath or affirmation, viz. "That he will hear and impartially determine on the cases of appeal which may be laid before him agreeably to law, and according to the best of his knowledge;" which oath or affirmation the inspector is hereby empowered to administer, and the justice and citizens shall have and receive from the said inspector, the sum of one dollar each for every day they shall sit on the said appeals, and the said inspector and justice of the peace shall each keep a separate record of the proceedings of such court of appeals; and the said inspector shall, within twenty days after such determination of appeals, make out and deliver to the state treasurer, to the register general, and the commissioners of the proper county, each, a list of all such delinquents, as well as those who have not appealed as those whose appeals shall have been determined against them, with the sums due from each respectively; which sums shall be collected and paid, under the direction of the said commissioners, in the same manner and under the like penalties as fines from exempts are directed to be collected in and by the second section of this act; and each inspector shall receive for his services the yearly salary of thirty dollars for each regiment belonging to his brigade, which he shall attend and inspect, and shall receive such reasonable allowance for expenses as he may have incurred, or shall hereafter incur, for providing and repairing drums, fifes, colors, artillery and carriages, as he

shall make appear to the officers of the department of accounts to be really necessary; and before he enters upon the duties of his office, he shall give bond with one or more sufficient sureties in the penal sum of two thousand dollars, conditioned for the due and faithful performance of his duties, and for the faithful accounting for and paying over all the monies which shall come to his hands by virtue of this act; and each of the said inspectors shall, once in every twelve months, make out complete accounts of all monies by him received, and of his expenditures, and return the same to the register general, or in default thereof, shall forfeit and pay the sum of two thousand dollars. And on the removal or resignation of any of the said inspectors, such inspector, or in case of his death, his executors or administrators shall deliver up to his successors in office, or some other person duly authorized by the governor to receive the same, all and singular the books, papers and documents belonging to or in use in the said offices, and on refusal thereof, he or they so offending shall forfeit the sum of two thousand dollars, to be recovered by action of debt in any court of record within this state; but from and after the passing of this act, no allowance shall be made in the settlement of the accounts of any brigade-inspector for his attendance at the elections, of any field or other officer, nor for pay to clerks or any other person that he may employ to perform any part of his duty.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the elections of such officers as are by this act declared to be elective, shall be made as follows: The several brigade-inspectors shall, between the first day of May and the first day of August, in the year one thousand eight hundred and seven, and every fourth year thereafter, give notice by advertisements at eight or more of the most public places of each regiment or battalion bounds or district, appointing a certain day, which shall be the same day, for each district, not less than ten days after the said notice; and requiring all the enrolled inhabitants (not being exempts) in the said regiment or battalion, and residing within

the bounds thereof, to meet at a certain place as near the centre of the said district as may be; and then and there, between the hours of ten in the morning and five in the afternoon of the said day, to elect by ballot one brigadier-general, one brigade-inspector, and one lieutenant-colonel; and the commanding officer of each regiment is hereby required to appoint one suitable person in each of said districts to conduct said elections; for performing which service, he shall receive one dollar fifty cents per day, to be paid out of the regimental fund; and on failing to attend as aforesaid, he shall forfeit and pay the sum of ten dollars, to be recovered by warrant issued by the commander of the regiment, directed to any constable or other fit person, which fine so recovered shall be paid into the regimental fund; and the enrolled inhabitants as aforesaid, of each battalion bounds respectively, shall elect by ballot as aforesaid, on the said or some other day, and at such place and time as shall be most convenient, but with the least possible delay, one major; and the enrolled inhabitants of each company bounds respectively, not being exempts, shall elect by ballot as aforesaid, on some other day and at such place within the bounds of such company as shall be most convenient, but with the least possible delay, one captain, one lieutenant, one ensign, four sergeants and four corporals; previous to which said election or elections respectively, the enrolled inhabitants shall elect two respectable citizens to act as judges, also two for clerks, to be under oath or affirmation, which the officer or person superintending the election is hereby authorized to administer; and shall certify to the inspector, and also the regimental and company officers, the names of the persons so elected; and shall place a copy of the returns for brigadier-general and brigade-inspector in the office of the prothonotary of the proper county where such election is held; and the said superintendents of each and every of the said regiment or battalion elections, after the officers are elected, shall give a certified notice thereof under their hands and seals to the brigade-inspector, who shall give notice to the persons elected, and transmit to the governor

a proper return of the officers elected to be commissioned, mentioning the number of the brigade, regiment, battalion, troop or company, the name of each person and their respective ranks; and thereupon commissions shall be granted agreeably to the intent of this act; and the majors shall attend and superintend all the elections of commissioned company-officers within the bounds of their respective battalions, and report the same as aforesaid, to the brigade-inspector. And elections for officers in the light-horse and artillery shall be held and conducted in like manner as elections of officers in the infantry; and in every case of future vacancy, whether occasioned by death, resignation or otherwise, the major-general of the division shall appoint some fit person to hold the election, if there shall be no brigade-inspector, who shall make return as the inspector is directed by this act; the commanding officer of the regiment shall give immediate information thereof to the brigade-inspector, who shall, with the least possible delay, order elections to be held for filling such vacancies agreeably to the manner hereinbefore described; and all resignations shall be made as follows: that is to say, a company or regimental staff-officer to the lieutenant-colonel or commanding officer of the regiment; a field-officer to the brigadier-general; and the brigadier-general to the major-general; and the major-general to the commander-in-chief; and the major-general shall give notice to the brigade-inspector for filling such vacancy as the case may be; the brigadier-general shall give notice to the brigade-inspector when a vacancy shall be for a field-officer; but if any brigade, regiment, battalion, troop or company, being duly notified and required as aforesaid, shall neglect or refuse to elect their officers as aforesaid, then it shall and may be lawful for the major-general to nominate, if the election was to have been for a brigadier-general or brigade-inspector, two suitable persons for each office, one of whom shall be commissioned by the governor; which shall be as effectual to all intents and purposes as if they had been elected as before directed. And further, it shall and may be lawful for the brigade-inspector

to whom such regiment belongs, to nominate, if the said election was to have been held for a field-officer or officers, with the approbation of the brigadier-general, and if for a commissioned company officer or officers, with the approbation of the field-officers of the regiment, one suitable person to the governor, in the room of each officer so neglected to be chosen, who shall be commissioned by the governor; which shall be as effectual to all intents and purposes as if the said officer had been elected as before directed; generals of divisions or brigade-inspectors, as the case may require, shall as soon as may be, acquaint the parties so neglecting or refusing the appointment that shall have been made as aforesaid; and if no person can be found in the company who shall be willing to serve as an officer of said company, then in such case the brigade-inspector is hereby authorized to appoint a person and pay him one dollar per day for his service; which money so paid shall be allowed such inspector, on settlement of his accounts, with the accounting officers; and the persons so appointed shall make a return of such company as exempts on oath or affirmation to the inspector, under the penalty of twenty dollars; which return so made shall be as valid to all intents and purposes as if made by a proper commissioned officer of said company; but no change shall take place other than that provided for in the first section of this act; so that an entire and general election and appointment of all the officers of all and every of the divisions, brigades and regiments throughout the commonwealth shall take place according to the directions and intent of this act, between the months of May and August in the year one thousand eight hundred and seven, any commission or commissions granted by the governor notwithstanding; but at least two months before such general election shall take place, the general officers of each division shall equalize the brigades; and the brigadier-general, brigade-inspector and field-officers shall equalize the regiments in the respective brigades; and the field-officers shall also equalize the companies in their regiments respectively; so that no regiment shall consist of more

than one thousand nor less than five hundred men, and no company of more than one hundred nor less than sixty-four privates; and immediately after such general election of the militia officers shall take place, the rank of lieutenant-colonels shall be determined by lot to be drawn in the presence of the brigadier-general; and the rank of the majors and captains in the several regiments to be determined in like manner by lot to be drawn in the presence of the lieutenant-colonel or commanding officer of the regiment; and all the brigade-inspectors now in office shall continue until their successors are duly elected and commissioned agreeably to this act; and the commissions of all officers who, agreeably to the provisions of this act, shall be elected or appointed for or within the first period of four years, appointed for the continuance of office, shall bear date the third day of August one thousand eight hundred and seven; and in every subsequent period of four years, the commissions of all officers who shall be elected or appointed for or within the said period, shall bear date on the day on which the said period commences.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if the election of a brigadier-general or brigade-inspector shall be contested, the major general shall, on application to him made by petition signed by at least eighty of the enrolled militia of the brigade, give ten days notice, that he, together with four field-officers to be by him appointed for that purpose, will on a certain day hear the allegations and proofs of the parties; and thereupon shall either confirm the election and certify the same to the governor, or order a new election as justice may require; and if the election of a field officer shall be contested, the brigade-inspector shall, on application to him made by petition signed by at least sixty-four of the enrolled militia of the regiment, give notice in writing to the brigadier-general, and to two of the lieutenant-colonels of the brigade wherein such contest shall arise, who or any two of them shall meet at some certain time and place within the regiment

bounds, of which ten days previous notice shall be given by the brigade inspector, by three advertisements to be put up at some of the public places within the bounds aforesaid; and it shall be the duty of those the said officers so met, to hear the allegations and proofs of the parties, and thereupon shall either confirm the election and certify the same to the governor, or order a new election, as justice may require; and if the election of a company officer shall be contested, a petition signed by at least twenty of the enrolled militia of the company wherein such contest shall happen, may be presented to the commanding officer of the regiment, who, together with the other field-officers of the regiment, shall hear and determine the matter in controversy, they or one of them having first given the like notice by advertisement of the time and place of meeting, as is required in the case of a contest respecting the election of a field-officer.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the regiments shall be numbered and called as follow, to wit: In the city of Philadelphia the regiment commanded by lieutenant-colonel Pancake, shall be number twenty-four; by lieutenant-colonel Duane, number twenty-five; by lieutenant-colonel Bright, number twenty-eight; by lieutenant-colonel Simonds, number fifty; by lieutenant-colonel Ferguson, number eighty-four; In the county of Philadelphia the regiment commanded by lieutenant-colonel Krips, number forty-two; by lieutenant-colonel M'Mullen, number sixty-seven; by lieutenant-colonel Beck, number seventy-five; by lieutenant-colonel Sullivan, number eighty; by lieutenant-colonel Kessler, number eighty-eight; by lieutenant-colonel Morton, number one hundred and forty; In the county of Montgomery, the regiment commanded by lieutenant-colonel Henderson, number thirty-six; by lieutenant-colonel Wentz, number fifty-one; by lieutenant-colonel Snyder, number fifty-six; by lieutenant-colonel Davis, number eighty-six; in the county of Bucks the regiment commanded by lieutenant-colonel Smith, number fifteen; by lieutenant-colonel Piper, number thirty-one; by lieutenant-colonel Clunn,

number thirty-two; and by lieutenant-colonel Vansant number forty-eight; in the counties of Chester and Delaware, the regiment commanded by lieutenant-colonel Greer, number twenty-seven; by lieutenant-colonel Armstrong, number forty-seven; by lieutenant-colonel Pierce, number eighty-five; by lieutenant-colonel Cochran, number ninety-seven; by lieutenant-colonel Davis, number forty-four; by lieutenant-colonel Pierson, number sixty-five; by lieutenant-colonel Ralston, number ninety-two; and by lieutenant-colonel Richards, number one hundred. In the county of Lancaster, the regiment commanded by lieutenant-colonel Wright, number five; by lieutenant-colonel Ensminger, number seven; by lieutenant-colonel Ream, number one hundred and twenty; by lieutenant-colonel Thomas, number one hundred and twenty-one; by lieutenant-colonel Strickler, number thirty-four; by lieutenant-colonel Boyd, number ninety-eight; by lieutenant-colonel Boal, number sixty; and by lieutenant-colonel Long, number one hundred and four: In the counties of York and Adams, the regiment commanded by lieutenant-colonel Kelly, number forty-one; by lieutenant-colonel Reisinger, number sixty-one; by lieutenant-colonel Lawson, number one hundred and eleven; by lieutenant-colonel Pennington, number one hundred and thirteen; by lieutenant-colonel Himes, number one hundred and twenty-four; In the county of Adams, the regiment commanded by lieutenant-colonel Horner, number nine; by lieutenant-colonel Kerr, number twenty; by lieutenant-colonel Black, number forty; and by lieutenant-colonel Brown, number ninety-three: In the county of Berks, the regiment commanded by lieutenant-colonel Baum, number thirty-seven; by lieutenant-colonel Shoemaker, number forty-three; by lieutenant-colonel Schrader, number sixty-nine; by lieutenant-colonel Epler, number seventy-nine; and by lieutenant-colonel Kline, number one hundred and fourteen: In the county of Dauphin, the regiment commanded by lieutenant-colonel Bowman, number three; by lieutenant-colonel Wain, number sixty-six; by lieutenant-colonel Wolfersberger, number seventy-eight; by lieutenant-colonel Lavenguth, number ninety-

five; and by lieutenant-colonel Seebolt, number one hundred and seventeen: In the county of Cumberland the regiment commanded by lieutenant-colonel Bovard, number twelve; by lieutenant-colonel Ewalt, number twenty-one; by lieutenant-colonel Urie, number forty-nine; by lieutenant-colonel M'Beath, number fifty-nine; by lieutenant-colonel Martin, number eighty-seven; and by lieutenant-colonel Rupley, number one hundred and sixteen; in the county of Franklin, the regiment commanded by lieutenant-colonel Findley, number one; by lieutenant-colonel Alexander, number sixty-four; by lieutenant-colonel Beatty, number sixty-eight; by lieutenant-colonel Snider, number seventy-three; and by lieutenant-colonel Scott, number ninety-six; In the counties of Northampton and Wayne, the regiment commanded by lieutenant-colonel Wetzell, number thirteen; by lieutenant-colonel Miller, number thirty-eight; by lieutenant-colonel Keiper, number ninety-four; by lieutenant-colonel Kestler, number one hundred and one; by lieutenant-colonel, M'Keen, number one hundred and eighteen; by lieutenant-colonel Jacoby, number eight; by lieutenant-colonel Horn, number seventy-one; by lieutenant-colonel Tanner, number one hundred and ten; by lieutenant-colonel Dingman, number one hundred and three; and by lieutenant-colonel Schnyder, number one hundred and fifteen; In the counties of Northumberland and Luzerne, the regiment commanded by lieutenant-colonel Inman, number thirty-five; by lieutenant-colonel Montgomery, number eighty-one; by lieutenant-colonel Rupert, number one hundred and twelve; by lieutenant-colonel Giffin, number one hundred and twenty-three; by lieutenant-colonel Stevens, number one hundred and twenty-nine; by lieutenant-colonel M'Kenny, number eighteen; by lieutenant-colonel Baldy, number thirty-nine; by lieutenant-colonel Drum, number seventy-seven; by lieutenant-colonel Moore, number one hundred and six; by lieutenant-colonel Denniston, number forty-five; In the counties of Lycoming, Tioga, Potter, Jefferson, M'Kean and Clearfield, the regiment commanded by lieutenant-colonel Cumings, number four; by lieutenant-colonel Quigle, number one hundred and two; by

lieutenant-colonel Spalding, number fifty-seven; in the counties of Huntingdon, Mifflin and Centre, the regiment commanded by lieutenant-colonel M'Dowel, number eleven; by lieutenant-colonel Beale, number fifty-two; by lieutenant-colonel Bratton, number seventy-four; by lieutenant-colonel Banks, number eighty-three; by lieutenant-colonel Benner, number eighty-nine; by lieutenant-colonel Myers, number one hundred and thirty-one; by lieutenant-colonel Moore, number fourteen; by lieutenant-colonel Henderson, number thirty-three; by lieutenant-colonel Cromwell, number forty-six; by lieutenant-colonel Kellup, number fifty-eight; by lieutenant-colonel Entricken, number one hundred and nineteen: In the counties of Somerset, Bedford and Cambria, the regiment commanded by lieutenant-colonel Jones, number ten; by lieutenant-colonel Kimmel, number one hundred and nine; by lieutenant-colonel Boyls, number one hundred and twenty-eight; by lieutenant-colonel Moore, number one hundred and twenty-seven; by lieutenant-colonel Reynolds number one hundred and five; by lieutenant-colonel Agnew, number fifty-five; In the county of Fayette, the regiment commanded by lieutenant-colonel Collins, number seventy-two; by lieutenant-colonel Oliphant, number ninety; by lieutenant-colonel Brashear, number ninety-one; by lieutenant-colonel Whaley, number one hundred and eight; In the counties of Washington and Greene, the regiment commanded by lieutenant-colonel Atchison, number twenty-two; by lieutenant-colonel Donaldson, number twenty-three; by lieutenant-colonel Mitchell, number fifty-three; by lieutenant-colonel Stephenson, number eighty-two; by lieutenant-colonel Clark, number six; by lieutenant-colonel Jinkins, number ninety-nine; by lieutenant-colonel Huston, number one hundred and twenty-two; by lieutenant-colonel Cather, number one hundred and thirty; In the county of Westmoreland, the regiment commanded by lieutenant-colonel Bonnett, number two; by lieutenant-colonel Wagle, number nineteen; by lieutenant-colonel Campbell, number fifty-four; by lieutenant-colonel M'Dowell, number sixty-three; by lieutenant-colonel Hunter, number seventy; In the counties of Allegheny, Arm-

strong and Indiana, the regiment commanded by lieutenant-colonel Baird, number one hundred and forty-one; by lieutenant-colonel Baldwin, number seventy-six; by lieutenant-colonel Free, number sixteen; by lieutenant-colonel Cunningham, number sixty-two; by lieutenant-colonel M'Comb, number thirty; by lieutenant-colonel Mounts, number one hundred and twenty-six; by lieutenant-colonel Elrod, number one hundred and twenty-five; In the counties of Beaver, Butler, Mercer, Crawford, Erie, Venango and Warren, the regiment commanded by lieutenant-colonel Sproat, number twenty-six; by lieutenant-colonel Laurens, number one hundred and thirty-nine; by lieutenant-colonel Reed, number one hundred and seven; by lieutenant-colonel Hackney, number one hundred and thirty-seven; by lieutenant-colonel Marvin, number one hundred and thirty-six; by lieutenant-colonel Huston, number one hundred and thirty-five; by lieutenant-colonel Stokely, number one hundred and thirty-four; by lieutenant-colonel Stockton, number one hundred and thirty-three; by lieutenant-colonel Forster, number seventeen; by lieutenant-colonel Dale, number one hundred and thirty-two; by lieutenant-colonel Gilliland, number twenty-nine; by lieutenant-colonel Carothers, number one hundred and thirty-eight. And all the regiments hereafter to be formed, shall follow those in numerical order; but nothing contained in this section shall be construed as giving preference of rank to the officers which shall at all times be determined by lot.

Section XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That every militia-man, moving out of the bounds of one company into the bounds of another, shall apply to the commanding officer of the company to which he did belong, who shall give him a discharge in writing certifying the class to which he belongs, and whether he has served his tour of duty or not, and the time and date of his service, which certificate he shall produce to the captain or commanding officer of the company in whose bounds he next settles, within twenty days after his settlement, un-

der the penalty of three dollars; and the said captain or commanding officer is hereby required to enroll him in the class specified in the said certificate.

Section XV. (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the whole of the militia of this state, (except as herein excepted) shall be trained and exercised in companies, troops, battalions and regiments by their respective officers as follows: viz. in companies, on the first Monday in the month of May, and the first Monday in the month of October, and the regimental training in each and every brigade, shall commence on the second Monday in the month of May, and continue from day to day in such order as the brigade-inspector shall direct on every day of the week (Saturday and Sunday excepted) until the whole number of regiments shall have trained and exercised in the aforesaid manner, of which one month's previous notice shall be given by the brigade-inspectors respectively, and at such places as the field officers or a majority of them, shall direct, and in the autumn or fall season, each and every first battalion of the respective regiments, shall meet in battalion on the third Monday in the month of October, and every second on the Tuesday following at such places as the field-officers or a majority of them shall agree upon; and no militia-man shall be admitted into the ranks of any company without a sufficient musket or firelock, except those between the ages of eighteen and twenty-one years, and such others as the officers of the company shall deem unable to procure arms at their own expense; such person or persons not accepted as last mentioned, shall be liable as for non-attendance on days of training; and if any militia-man, who shall not be admitted into the ranks without arms as aforesaid, shall be fined on any day of training on account of not having arms, and shall conceive himself aggrieved, he may appeal to the field-officers of the regiment to which he belongs, who shall consider his circumstance, and grant him such relief as to them or a majority of them shall appear just and reasonable. Provided, that the arms and ac-

coutrements of the militia shall be exempted from all suits, distresses, executions or sales for debt or the payment of taxes.

Section XVI. (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That if any commissioned or staff-officer, or private, shall without a lawful excuse, neglect or refuse to attend on any of the days herein appointed for training, such delinquent officer or private shall be returned to the proper court of appeal by the commanding officer present; if a field-officer, he shall forfeit and pay the sum of four dollars; and every other commissioned and staff-officer shall forfeit and pay the sum of two dollars; and every non-commissioned officer or private so neglecting or refusing to attend, shall forfeit and pay the sum of one dollar for every such neglect or refusal, except such officer, non-commissioned officer or private, shall be summoned and actually attending on any of the days of training, as a juror or witness in any court within this commonwealth; and the same fines shall be respectively paid by every officer or private who shall leave the parade on any day of training, before the regiment, battalion or company is discharged, without leave first had of the commanding officer; and the master or mistress of any apprentice, and the father or mother of any minor liable to serve in the militia, who shall neglect to perform the several duties required of him by this act, such minor being in the service of his father or mother, master or mistress, shall be respectively accountable for the fines so incurred by such minor or apprentice.

Section XVII. (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That in order to ascertain those persons, who, by their absence on days of training, shall have incurred the fines before-mentioned, a sergeant or clerk of each company, on every such day in the presence of the captain or commanding officer of the company, at the end of one hour after the time appointed for the meeting of the company, battalion or regiment, and also after the exercise is over and before the company is dismissed, shall call over

the muster roll, noting those who are absent; and within four days after every company or regimental meeting, he shall make a true return of those that were absent at either of the roll-calls aforesaid, under oath or affirmation to the captain or commanding officer of each company, under the penalty of ten dollars for every time he shall neglect or refuse the same, and particularly designating the day on which default was made; and it shall be the duty of the commanding officer of each regiment, annually, in regimental orders to be issued previous to the days appointed by this act for training the militia, to appoint six commissioned officers, three to preside in each battalion for the current year, as a court to hear appeals, who, when sitting as such court, shall be under oath or affirmation to perform their duties with fidelity and impartiality; and said court shall, in not less than ten, nor more than fifteen days after the meeting of the regiment in May, and the battalions in October, annually, hear and determine on the appeal of every person conceiving himself aggrieved and applying to be heard; and if it shall appear to the satisfaction of the court of his proper battalion, after having examined him on oath or affirmation, that by lameness or sickness, or any unavoidable necessity his attendance was rendered impracticable on the day or days for which he may stand charged, the said court shall remit the fine or fines incurred for the reasons aforesaid only; but no excuse shall be received, nor redress given by them at any other time, or in any other manner than is before mentioned; and each and every field and commissioned officer of the militia is hereby authorized and empowered to administer the oath or affirmation required to be taken by the officers holding courts-martial or courts of appeal, or any other duty to be performed in pursuance of the militia law, to which an oath is required.

Section XVIII. (Section XVIII, P. L.) 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 of 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, and that no court of law of the said commonwealth, nor any justice of the peace or alderman shall, in any case hear and determine, or in any manner take cognizance of appeals that may be offered or attempted from any sentence or decree passed or made by such courts of appeal or court martial, any law, usage or practice, or any construction of any clause in this act to the contrary in any wise notwithstanding.

Section XIX. (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the commanding officer of each company, under the penalty of forty dollars, to transmit under oath or affirmation, a list of the names of all the absentees, and the fines, charges for non-attendance on days of training, and also the names of the exempts to the officers holding the appeals; and the said courts of appeal are hereby enjoined and required under the penalty of forty dollars each, to make return of all delinquents whose fines shall not be remitted, to the commanding officer of the company, and also transmit a general return to the commanding officer of the regiment, and one copy to the pay-master thereof; and each captain or commanding officer of a company shall receive one dollar per day, for making the several returns required of him by this act, and shall attend at the court of appeal and receive the return of the delinquents whose fines shall not be remitted, and shall within twenty days certify to the pay-master, the name of the constable to whom he delivered the warrant; and officers holding appeals and regimental courts martial, shall receive each one dollar per day, to be paid by the pay-master of the regiment in which such duty is performed, on orders drawn by the lieutenant-colonel or commanding officer thereof; and each paymaster shall have a book for keeping the accounts to be paid for out of the regimental fund, and shall for performing the several duties required of him by this act, receive five per centum on all monies that come into his hands; and officers holding general or brigade courts-martial, shall be paid each one dollar per day by the inspector of the brigade in which such

court-martial is held, on orders signed by the president of the court-martial, to be allowed to such brigade-inspector on the settlement of his accounts; and every paymaster, before he enters upon the duties assigned him by this act, shall give bond to the commanding officer of the regiment, with one or more sufficient sureties in the penalty of two hundred dollars, and conditioned for the performance of his duties.

Section XX. (Section XX, P. L.) And be it further enacted by the authority aforesaid, That for the purpose of levying and collecting as well the fines that shall be incurred for non-attendance on days of training, as those which shall be imposed by courts-martial; the president of the court-martial, if the fine was imposed by a court-martial, and the commanding officer of the company, if the fine was incurred for non-attendance on any day or days of training within ten days after the passing of the sentence or decree of the court-martial or court of appeal, shall be obliged, and under the penalty of fifty dollars, for every neglect or refusal therein; and he is hereby enjoined to issue a warrant under his hand and seal, directed to some constable, or fit person, who shall thereby be authorized to act as a constable, commanding him to levy and collect the said fine or fines; and the said constable, or other fit person so appointed to collect, shall be authorized, and he is hereby required under the penalty of thirty dollars, to call on every delinquent who shall be named in such warrant or schedule, or list thereto annexed, and demand payment of the said fine or fines, and on neglect or refusal to make such payment, after demand so as aforesaid made, then the said constable having the said warrant, is hereby required to proceed to collect the said fines, together with costs, in the same manner, and with like power and effect as constables are required to proceed with executions issued by virtue of an 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 twenty-eighth day of March, one thousand eight hundred and four;⁽¹⁾ but if any such constable, or other

fit person, for the space of thirty days after the receipt of such warrant, indorsed with the time of delivering the same by the president of the court-martial or the commanding officer of the company, as the case may be, shall neglect or refuse to pay unto the pay-master of the regiment, or other person by this act entitled to receive the same, the whole amount of the fines in the said schedule or list contained, such constable or other fit person, for every such neglect or refusal, shall forfeit and pay to the said paymaster, for the use of the regiment, double the amount of all the fines marked on the said schedule or list, which shall not within the said thirty days, have been paid over to the proper paymaster, and to be recovered by the paymaster in the same manner as debts of the same amount are by law recoverable, excepting only therefrom such fines as the field officers of the regiment or a majority of them, who are hereby constituted a board for the purpose, and who when sitting as such, shall be under oath or affirmation, shall annually, on the second Monday of December, adjudge it to have been impracticable or improper for the said constable or other fit person, to collect and obtain; and the said field officers or a majority of them shall have power to meet on their own adjournments, to perform the duties required of them; and it shall be the duty of the said paymaster of the regiment, on the second Monday in December annually, to make out a fair and clear statement of his accounts, and lay the same before the field officers and any two of the captains of the regiment, who shall examine it; and having certified the balance as it shall appear to them on the said statement, one copy thereof shall remain with the paymaster, and another to be lodged with the colonel or commanding officer of the regiment, but if any paymaster shall neglect or refuse to make a statement of his accounts and compel the collection of the fines in manner aforesaid, or when duly required shall neglect or refuse to surrender all the papers, books and accounts belonging to his office to his successor in office, he shall, for every such neglect or refusal, of which a regimental court-martial shall judge, such pay-

master or his executors, administrators or others possessing such books, papers or accounts, forfeit and pay for the use of the regiment, the sum of one hundred dollars to be recovered by the quarter-master of the regiment in the same manner as is provided by the forty-second section of this act, for the collection of fines imposed on other officers; and in all cases arising by virtue of this act, where any delinquent shall neglect or refuse to pay the fine or penalty incurred by him, and no property can be found to satisfy and discharge the same, the constable or other fit person shall take the body of such delinquent and commit him to the common jail of the proper county, until he shall pay the same, or be discharged by due course of law; and such constable or other fit person, or constables, shall be entitled to have and receive ten per centum for all monies by him or them collected and paid over out of the regimental funds.

Section XXI. (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That all fines and forfeitures incurred by officers under this act, for the neglect of duty, where the mode of recovery and the appropriation is not provided for, the same shall be recovered by the commanding officers of the regiment before any justice of the peace, in the same manner as debts of the same amount are by law recoverable, and to be paid into the regimental treasury.

Section XXII. (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That the paymaster of the regiment shall hold the monies paid over to him according to the directions of this act, subject to the drafts of the colonel or commanding officer of the regiment, to be drawn in the order, and for the purposes herein mentioned, to wit: To pay drummers, fifers, trumpeters and buglers, to pay for the repairs of drums, arms, and for the different duties other than those of company and field days, which by this act are imposed upon officers and others, and for which no provision is made, and to defray all such other expenses as a majority of the field officers of each regiment may adjudge to be neces-

sary and useful for the regiment, for promoting military purposes and discipline, and effectuating the ends and purposes of this act.

Section XXIII. (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That the form of the warrant to be issued by the captain or commanding officer of each company for the collection of fines for non-attendance on days of training, may be as follows: "The Commonwealth of Pennsylvania to A. B. greeting: Whereas the persons named in the schedule or list hereto annexed, have by the court of appeals of their proper battalion, been duly sentenced to pay the fines to their names respectively subjoined; this warrant therefore authorizes and requires you to demand and receive of all and each of the persons named in the said schedule, the amount of fines to their names respectively annexed, and in case of the refusal of all or any of them to pay the same, then to levy the said debt and costs of the goods and chattels of all or any of the delinquents named in your schedule or list annexed, by distress and sale thereof, returning the overplus, if any, to the owner or owners respectively; but for want of such effects, then to take the body or bodies of such persons named in the said list respectively, to the jail of the county where the delinquents reside, there to be detained until the fine and costs shall be paid or satisfied, or he or they shall be otherwise legally discharged. Witness my hand and seal, the day of one thousand eight hundred and . To Collector. C. D. Captain." (L. S.) And the form of the warrant to be issued by the president of the court martial, may be as follows; The Commonwealth of Pennsylvania, to A. B. greeting: "Whereas C. D. hath been duly sentenced to pay a fine in the sum of (for disobedience of orders, neglect of duty, &c. as the case may be) this warrant therefore authorizes and requires you to levy the said debt and costs of the goods and chattels of the said by distress and sale thereof, returning the overplus, if any, to the said but for want of such effects, then to take the body of the said and

convey him to the jail of the county where the offender resides, there to be detained until the debt and costs aforesaid shall be paid or satisfied, or he shall be otherwise legally discharged. Given under the hand and seal of the president of our said court, the day of one thousand eight hundred and C. D. President. (L. S.)
To Collector."

Section XXIV. (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That whenever it may be necessary to call into actual service any part of the militia, in case of rebellion or of an actual or threatened invasion of this or any of the neighboring states, then it shall and may be lawful for the governor to order into actual service, such part of the militia, by classes, as the exigency may require: Provided, that the part so called, doth not exceed four classes of the militia of any brigade. And provided also, that such brigade or brigades shall not be again called into actual service until an equal number of the classes of the militia of the other brigades respectively be first called, unless the danger of an invasion should make it necessary to keep in reserve the militia of such brigade or brigades for immediate defense; and the companies in each regiment or battalion of the state, shall within one year after the passing of this act, be divided into eight classes (where the same is not already done,) all flank companies, whether of grenadiers, light-infantry or riflemen, shall be called into service by companies or parts of companies, and not by classes; the first flank company making part of the first call, and the second flank company shall make part of the fifth call of the militia, and be commanded by their own proper officers; and every flank company formed in future shall be formed under the direction and approbation of the field-officers of the regiment, to consist of not less than sixty-four privates, and composed of men actually resident within the bounds of the regiment to which they are to be attached, and not otherwise.

Section XXV. (Section XXV, P. L.) And be it further enacted by the authority aforesaid, That the militia, when

called by classes to perform a tour of duty shall be officered in the following manner, that is to say, For the first draft, the captain of the first company, the lieutenant of the second, and ensign of the fourth; second draft, the captain of the second company, the lieutenant of the first, and ensign of the third; third draft, the captain of the third company, the lieutenant of the fourth, and ensign of the second; fourth draft, the captain of the fourth company, lieutenant of the third and ensign of the first; the fifth draft, the fifth captain, lieutenant of the sixth, and ensign of the eighth; the sixth draft, the sixth captain, the lieutenant of the fifth, and ensign of the seventh; the seventh draft, the captain of the seventh company, the lieutenant of the eighth, and ensign of the sixth; eighth draft, the captain of the eighth, the lieutenant of the seventh, and the ensign of the fifth. Non-commissioned officers to take their tour of duty with the commissioned officers, and the routine of the field officers shall be according to the date of their respective commissions; the first colonel of the brigade shall command the first detachment, if it amount to a colonel's command; but if he does not, the command shall devolve on the first major; and each draft shall be liable to serve two months, and no longer, and to be relieved by the class next in numerical order, the relief to arrive at the place of destination at least two days before the expiration of the term of the class to be relieved; but nothing herein contained shall prevent the governor from employing and calling out part of any class, or any company or companies, regiment or regiments, without respect to this rule, whenever any exigency is too sudden to admit of the assembling of the militia in the ordinary way; and the service of the person or persons so called out, shall be accounted as part of his or their tour of duty; and the pay of the militia in actual service shall commence two days before marching, and they shall receive pay and rations at the rate of fifteen miles per day on their return home.

Section XXVI: (Section XXVI, P. L.) And be it further enacted by the authority aforesaid, That when any detach-

ment of the militia shall be called into service, the captain of each company shall take care that his proportion of men are assembled and marched to the proper place of parade, under the care of a commissioned officer or sergeant, with a list of the men, which list shall be delivered to the adjutant of the regiment; whose duty it shall be to attend at the place appointed, to receive detachments from the several companies of his regiment, and he shall make out a roll mentioning the rank of the officers, and names of the non-commissioned officers and privates; and when the detachment shall be completed and placed under the command of the proper officer, he shall attend them to the place appointed for the meeting of the detachment of the brigade, where the several adjutants shall each deliver a list of the detachment from his regiment to the brigade-inspector; whose duty it shall be to attend at the place appointed for assembling the detachment from his brigade, and to furnish a complete list thereof to the commanding officer of the detachment, noting particularly in detail the officers, non-commissioned officers and privates from the respective regiments within his brigade; and it shall further be the duty of the brigade-inspector, to march with such detachment to the place of general rendezvous appointed for the whole of the militia called out, and there deliver to the commanding officer a duplicate of the list aforesaid; and it shall be the duty of such commanding officer to make a general return, noting particularly the detail from each brigade, certified under his hand, and shall cause the same to be delivered to the adjutant-general within ten days after the marching of his detachment under the penalty of one hundred dollars.

Section XXVII. (Section XXVII, P. L.) And be it further enacted by the authority aforesaid, That whenever the militia are called into actual service of this State or of the United States, it shall and may be lawful for the governor, if he may deem it expedient, to organize the cavalry into brigades, regiments, squadrons and troops, so that each brigade shall consist of four regiments, each regiment of two squadrons,

each squadron of four troops, in such manner that no troop shall consist of more than one hundred, nor less than sixty-four non-commissioned officers and privates, to be officered as follows: To each brigade one brigadier-general and one brigade-major, with the rank of major; to each regiment one lieutenant-colonel-commandant and two majors, first and second; to each squadron one major; to each troop one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter: The general officers shall be appointed by the governor, and the elections for field-officers shall be held at the place of general rendezvous appointed after such call, and conducted as nearly as may be according to the directions prescribed by this act for the elections of other field-officers, the brigadier-generals shall appoint their brigade-majors, and the field-officers of each regiment shall appoint their respective regimental-staffs.

Section XXVIII. (Section XXVIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person called to perform a tour of duty to find a sufficient substitute, such substitute being approved of by the captain or commanding officer of the company in which he shall have offered to serve: Provided always, that if any substitute shall be called in his own turn into actual service before the term expires which he was to serve for his employer, then the person procuring such substitute shall march, or find a sufficient person to march in his said substitute's turn, or be liable to pay his fine for neglect; which fine is to be recovered as other fines for neglect of serving, are by this act recoverable; and that sons, who are not subject to the militia law, may be admitted as substitutes for their fathers, if approved of by the commanding officer of the company in which they shall be offered to serve.

Section XXIX. (Section XXIX, P. L.) And be it further enacted by the authority aforesaid, That when the militia or any detachment thereof are called out on duty, they shall be entitled to like pay and rations as are or shall be provided for the army of the United States; and that every person

refusing or neglecting to perform his tour of duty in person or by substitute shall pay the sum of sixteen dollars for every such neglect or refusal, if the tour was to be for a term not exceeding one month, and in proportion if the tour was to be for any longer or shorter term.

Section XXX. (Section XXX, P. L.) And be it further enacted by the authority aforesaid, That the division composed of the militia of the city and county of Philadelphia, by direction of the general officers thereof, if they see cause, and by and with the consent of the field-officers of the respective regiments, is hereby authorized to meet in division or brigade on any of the days herein appointed for regimental training; and the commanding officers of the several and respective regiments composed of the militia residing northwest of the rivers Ohio and Allegheny, and Conewango creek; and likewise the militia within the counties of Indiana, Cambria, and that part of Armstrong county lying east of the Allegheny river; and that part of Westmoreland county called Ligonier Valley, and that part of Wayne county above the barrens, are hereby authorized and empowered to cause the same, (if they may deem it expedient) to meet and exercise in battalions on any of the days appointed by this act for training in regiments.

Section XXXI. (Section XXXI, P. L.) And be it further enacted by the authority aforesaid, That the following articles, rules and regulations shall be those by which the militia shall be governed:

Article I. If any field or other commissioned officer, at any regimental review, or when the regiment, battalion, troop or company to which he may belong, or in which he holds a command, is paraded under arms, shall misbehave or demean himself in an unofficer-like manner, 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 is dismissed, and shall be fined at the discretion of a regimental court-martial, in any sum not exceeding twenty dollars nor less than three dollars,

Art. II. If the lieutenant-colonel or commanding officer of any regiment, shall neglect or refuse to give orders for assembling his regiment at any time or times appointed by law, excepting in the city and county of Philadelphia, when any contagious disease may be prevalent there, 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 orders for assembling the company to which he belongs, or any part thereof, at the direction of his lieutenant-colonel or commanding officer of the regiment to which such company belongs, 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.

Art. III. If any captain or commanding officer of a company shall refuse or neglect to make out a list of the persons noticed to perform any tour of duty, and send or convey the same to the lieutenant colonel or commanding officer of the regiment to which such company may belong, for such neglect or refusal he shall be cashiered or fined at the discretion of a regimental court martial, in any sum not exceeding forty dollars.

Art. IV. If any militia man shall desert while he is on a tour of duty, he shall be fined thirty-two dollars for every such offense, and be obliged to march on the next tour of duty, under the same penalties as at first; if a non-commissioned officer shall so desert, he shall be degraded and placed in the ranks, shall pay a fine of thirty-six dollars, and be obliged to serve another tour as a private.

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

Art. VI. Every regimental court-martial shall be composed of seven members, all commissioned officers, who are to choose one of their members a 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.

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

Art. VIII. The president of each and every court martial whether general or regimental, shall require all witnesses, in order to the trial of offenders, to declare on oath or affirmation that the evidence they shall give is 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.

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

Art. X. No officer or private, being charged with transgressing these rules, shall be suffered to do duty in the regiment, battalion, company or troop to which he belongs, until

he has 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 defense.

Art. XI. If any officer or private shall think himself injured by his lieutenant 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.

Art. XII. 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 belongs, 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.

Art. XIII. No penalty shall be inflicted by a court-martial, other than degrading, cashiering or fining; and all fines imposed by regimental courts-martial, shall be collected and paid into the hands of the paymaster, as directed in the twentieth section of this act.

Art. XIV. 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.

Art. XV. The commanding officer 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, non-commissioned officer or private, for the breach of any of these articles; and every

offender convicted as aforesaid, by any regimental court-martial may be pardoned, or have the penalty mitigated by the lieutenant 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.

Art. XVI. The militia on the days of training shall be detained under arms, on duty in the field, any time not exceeding six hours: Provided they are not kept above three hours under arms at any one time, without allowing a proper time to refresh themselves.

Art. XVII. All fines that shall be imposed by general, division or brigade court-martial, for any breach of these rules, shall be paid into the hands of the inspectors of the brigades to which the offenders belong, or to such person or persons as he shall appoint, and make known in brigade orders, as his agents or attorneys to receive the same, within three weeks after they become due; but in case of neglect or refusal to pay any of the said fines, the said brigade inspector shall cause the same to be levied and collected in the manner hereinafter mentioned.

Art. XVIII. The rules and discipline approved and established by Congress, by "An act for establishing rules and articles for the government of the armies of the United States," passed April tenth, one thousand eight hundred and six, shall be the rules of discipline to be observed by the militia throughout this state, except such deviations from said rules as may be rendered necessary by the requisitions of the acts of Congress, or of this state; and it shall be the duty of the commanding officer at every training, whether by regiment, battalion or single company, to cause the militia to be exercised and trained agreeable to the said rules of discipline,

and the instructions laid down by the Baron Steuben, and annexed to the said rules of discipline, pointing out the respective duties of the officers, non-commissioned officers and privates, are recommended and enjoined upon the militia of this state, as fully as if the said instructions were repeated and expressed in this act at length.

Art. XIX. 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 the federal army; 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.

Section XXXII. (Section XXXII, P. L.) And be it further enacted by the authority aforesaid, That no civil process shall be served on any commissioned officer or private, at any regimental, battalion or company training or while going to or returning from the place of such review or training.

Section XXXIII. (Section XXXIII, P. L.) And be it further enacted by the authority aforesaid, That all and every of the fines and forfeitures by this act made payable for the recovery and appropriation, of which no mode is herein-before pointed out, shall be recovered by the inspectors of the several brigades, in the name and for the use of the commonwealth, by action of debt, before any justice of the peace or in any court of record within this commonwealth, as from the amount thereof they shall be cognizable; and the said inspector shall render his accounts for all monies by him received and disbursed by virtue of this act, to the officers of the department of accounts, for settlement, every twelve months; and in case of the refusal or neglect of any brigade-inspector to render his accounts as aforesaid, the register-general and the comptroller-general are hereby empowered and directed to proceed against him in like manner as they are or may be authorized and empowered to proceed against delinquent county treasurers, to compel the settlement of their accounts and the payment of monies due the commonwealth thereon, into the state treasury.

Section XXXIV. (Section XXXIV, P. L.) And be it further enacted by the authority aforesaid, That all monies paid into the treasury by virtue of this act, shall be appropriated for the purpose of equipping and furnishing the militia with arms, and every necessary apparatus for the defense and security of the state; and the treasurer of the state shall keep separate accounts of the same.

Section XXXV. (Section XXXV, P. L.) And be it further enacted by the authority aforesaid, That the brigade-inspector and two reputable and disinterested citizens 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, 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 the neglect of the owner, on his producing to the officers of the department of accounts a certificate of the loss of the said horse, signed by the commanding officer of the detachment to which he belonged whilst 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, to be paid out of the militia funds.

Section XXXVI. (Section XXXVI, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall knowingly sell, buy, take, exchange, conceal or otherwise fraudulently or unlawfully receive, hold or detain, or shall refuse to deliver up to the proper brigade-inspector, after he shall give public notice thereof, any arms, accoutrements, colors, or drums belonging to this state, on any account or pretense whatsoever, the person so offending, being convicted thereof before any justice of the peace or alderman of the city or county where such offense shall be committed, shall forfeit and pay for every such offense, 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 offender shall be convicted, returning the overplus, if any, on demand, to such offender; and for want of such distress, shall commit such offender to the common gaol of the county, there to remain without bail or mainprize for any term not exceeding one month, unless such money be sooner paid.

Section XXXVII. (Section XXXVII, P. L.) And be it further enacted by the authority aforesaid, That if any suit or suits shall be brought or commenced against any person or persons for anything done in pursuance of this act, the action shall be laid in the county where the cause of such action did arise, and not elsewhere; and the defendant or defendants in said action or actions to be brought, 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 in such action or actions, or if the plaintiff or plaintiffs, shall be non-suited, or 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 defendants shall have treble costs and have the like remedy for the same, as any defendant or defendants hath or have in other cases to recover costs by law.

Section XXXVIII. (Section XXXVIII, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the captain or commanding officer of each company respectively, to appoint a suitable person near the place of training, in whose custody such arms shall be put, to be cleaned and kept in repair for the use of such militia-men as the officers of the company shall deem unable to procure their own arms, agreeably to this act; and the said arms shall not be taken from their places of deposit except on the days appointed by this act, for the exercise and discipline of the militia, or when they shall be called into actual service; and the person so appointed shall receive such compensation for his services, as the field officers of the regiment or a majority of them shall deem just and reasonable, to be paid out of the regimental fund.

Section XXXIX. (Section XXXIX, P. L.) And be it further enacted by the authority aforesaid, That the field-officers of the respective regiments are hereby empowered, on the regimental appeal to be held on the second Monday in December, annually, to remit such fine or fines with which any person or persons have or may be charged as exempts in county duplicates, as may appear to them or a majority of them to have been impracticable for the collectors to obtain.

Section XL. (Section XL, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the field-officers of each and every regiment, to collect all the arms which were the property of this commonwealth prior to the year one thousand seven hundred and ninety-seven, and contract with any person or persons for the repair of such arms as the said officers or a majority of them may think necessary; and the person making such repairs shall furnish the lieutenant-colonel or commanding officer with an accurate account of all repairs so made, particularly designating the expense of each, which account the commanding officer as aforesaid shall produce to the brigade-inspector of the proper brigade, who shall make a return of the number so repaired to the adjutant-general each and every year; and the commanding officer shall also produce the aforesaid account to the commissioners of the county in which such repairs were made, who shall indorse their warrant on the same for the amount thereof, directed to the county-treasurer, who shall pay the amount thereof out of the monies collected off exempts to the person making such repairs, or to the commanding officer as aforesaid for his use, and the account shall be a voucher to the treasurer in the settlement of his accounts with the officers of the department of accounts; and the lieutenant-colonel or commanding officer shall distribute the arms so repaired, equally to each captain in the regiment, where such old arms were found; and the same regulations shall be observed in all respects, as in case of any new arms.

Section XLI. (Section XLI, P. L.) And be it further enacted by the authority aforesaid, That if any youth of twelve

years, and not exceeding the age of eighteen years, shall, with the consent and approbation of his parents, attach himself to any company of militia for the purpose of learning to beat the drum, play on the fife, blow on the buglehorn or trumpet, provided the number shall not exceed one person for the drum and one for the fife, or one for the buglehorn in each company, and one for the trumpet in each troop of horse; every such person or persons shall be put under the instruction of the drum and fife major, the bugler or trumpeter, as the case may be, whose duty it shall be to teach such person or persons in the best manner in his power; and as soon as such person or persons shall be able to perform field duty to the satisfaction of the commanding officer of the regiment, he shall draw his warrant on the pay-master in favor of the drum or fife-major, the bugler or trumpeter, who may have taught such person or persons as aforesaid, for the sum of ten dollars for every person so taught; and the person so taught, shall be furnished with a suit of regimentals, to be paid for out of the funds of the regiment; and the father of every youth who shall have been instructed as aforesaid, shall be exempted and excused from every kind of militia duty so long as his son shall continue to perform the duties of a drummer, fifer, bugler or trumpeter in any militia company.

Section XLII. (Section XLII, P. L.) And be it further enacted by the authority aforesaid, That the last Monday in the month of April, and the last Monday in September, annually, be and they are hereby appointed for the commissioned and staff officers of the respective regiments to meet together at the most convenient place, to be fixed by the field officers of each regiment, for the purpose of perfecting themselves in the military art; and the officers aforesaid shall appear with proper arms and uniform, under the same penalty for each neglect as on the days of training and the commanding officer of each regiment shall, within three days after the appeal appointed by this act, direct his warrant, for collection of the fines in this section mentioned, to the quarter-master

of the regiment, or other fit person; and the said quartermaster is directed and required to collect and pay over the same to the paymaster of the regiment, within thirty days from the receipt of the warrant, under the penalty of twenty dollars; and shall receive for his services the same compensation as is allowed for collecting fines by the twentieth section of this act, which shall be recovered in like manner, and the persons entitled to like appeal as those for non-attendance are entitled to by this act; and the fines accruing by virtue of this section, shall be appropriated in such manner as a majority of the officers attending on such days of training may direct; and each commissioned and staff-officer shall receive as a compensation for the service required of him by this section, the sum of one dollar and fifty cents for each day's service by him performed, to be paid by the respective county treasurers on a certificate signed by the lieutenant-colonel or commanding officer of the regiment present, when the service was rendered, to be paid out of the exempt fines; and where there are no exempt fines, to be paid out of the money arising from tavern licenses; and the respective county treasurers, on producing such certificate, shall be allowed therefor in the settlement of his accounts with the officers of the department of accounts.

Section XLIII. (Section XLIII, P. L.) And be it further enacted by the authority aforesaid, That a majority of any light-infantry, grenadier, rifle or artillery company, or of any troop of horse shall have power at their first meeting in each year, to fix upon, declare and settle what and how many days of training they will have throughout the year, over and above the days herein-before appointed for the training; and it shall be lawful for each and every commanding officer of each and every company, to notify his respective company of such stated days of training, and to inflict and levy such fines and penalties on any member who shall refuse or neglect to attend such days of training as may be agreed upon by a majority of the company convened for that purpose; which fines shall be collected by a sergeant of each company, by virtue of

a warrant under the hands and seals of the commissioned officers of the company: and the said fines shall be appropriated for the payment of music and other contingent expenses of the company, and paid on warrants to be drawn by the commanding officer; and the accounts of each company shall be examined and settled once in every year, by a committee of three persons members thereof, to be chosen by ballot at a meeting of the company convened for that purpose, which the commanding officer is hereby enjoined to have done on the first Monday in the month of May annually.

Section XLIV. (Section XLIV, P. L.) And be it further enacted by the authority aforesaid, That the regiment of artillery now commanded by lieutenant-colonel John Connelly, formed within the bounds of the first division, composed of the militia of the city and county of Philadelphia shall continue as heretofore; and the field and other officers of the said regiment, shall be elected in like manner as is directed by this act for the election of officers in the infantry; and the individuals composing said regiment shall be subject to the same fines and penalties, and be entitled to similar relief, as the rest of the militia of this state are entitled to by this act; and the companies composing said regiment shall be called into actual service in rotation, by companies, and not by classes according to the number in rank which each company bears in said regiment, commencing with the company whose turn it may next be to perform a tour of duty agreeable to former arrangements of said regiment, provided each company shall not be less than forty-four non-commissioned officers and privates.

Section XLV. (Section XLV, P. L.) And be it further enacted by the authority aforesaid, That if any officer, non-commissioned officer or private militia-man, or volunteer acting with the militia residing in this state, having a family, shall be slain in battle, or shall die of wounds received 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 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,⁽²⁾ and if any officer, non-commissioned officer or private militia-man or volunteer acting 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;⁽³⁾ which last aforesaid act, so far as relates to the purposes of this act, is hereby revived and in full force.

Section XLVI. (Section XLVI, P. L.) And be it further enacted by the authority aforesaid, That no officer of any company, paymaster nor quarter-master of any regiment shall be permitted to resign, until it shall appear to the satisfaction of the field-officers of the regiment, that he or they have duly performed all the duties required of him or them by law, previously to such intended resignation, nor until he or they shall have delivered up to the colonel or commanding officer of the regiment, all the public property in his or their possession, as a militia officer or officers, belonging to this commonwealth; and all regimental and company officers, who shall hereafter be elected or appointed, and duly notified of such election or appointment agreeably to this act, are hereby authorized and directed to do and perform all the military duties in this act required; and all fines which are now due, or hereafter may become due, under the act of the sixth of April, one thousand eight hundred and two,⁽⁴⁾ or which may be due under this act which now are or hereafter may be un-

collected, either by neglect of the commanding officer of companies or the constables, shall be collected by a warrant issued by the commanding officer of the regiment, to the constable of the proper township, or some other fit person with the power of constables in similar cases, to be paid over as is directed by this act.

Section XLVII. (Section XLVII, P. L.) 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 the sixth day of April, one thousand eight hundred and two;⁽⁴⁾ and a supplement thereto passed the twenty-first day of March, one thousand eight hundred and three;⁽⁵⁾ and an act making compensation to brigade-inspectors for furnishing blank forms, passed the second day of April, one thousand eight hundred and four;⁽⁶⁾ and a further supplement passed the fourth day of April, one thousand eight hundred and five⁽⁷⁾ except so much of the forty-sixth section as relates to the collection of fines now due, or to become due under the above recited acts, which shall have immediate effect, be and the same are hereby repealed and made null and void: Provided always, 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 the several laws hereby repealed.^{(8) (9)}

Approved April 10, 1807. Recorded in L. B. No. 11, p. 55.

Note (1) Chapter 2482; 17 Statutes at Large p. 998.

Note (2) Chapter 1493; 13 Statutes at Large p. 464.

Note (3) Chapter 1194; 12 Statutes at Large p. 113.

Note (4) Chapter 2302; 17 Statutes at Large p. 174.

Note (5) Chapter 2349; 17 Statutes at Large p. 288.

Note (6) Chapter 2502; 17 Statutes at Large p. 843.

Note (7) Chapter 2607; 17 Statutes at Large p. 1054.

Note (8) See supplement to Act in text Chapter 2870; *Infra* this volume, p. 671.

Note (9) See further supplement to Act in text Chapter 2959; *Infra* this volume, p. 829.