

Laws enacted in the third sitting of the fourth General Assembly of the commonwealth of Pennsylvania, which commenced at Philadelphia on Wednesday, the tenth day of May, in the year of our Lord 1780.

CHAPTER CMVIII.

AN ACT FOR THE GREATER EASE OF THE MILITIA AND THE MORE SPEEDY AND EFFECTUAL DEFENCE OF THIS STATE.

(Section I, P. L.) Whereas it hath been found by experience that frequent calls of the militia hath proved very inconvenient to the good people of this state, and especially in seed time and harvest, when their utmost exertion is requisite for the cultivating of their lands and gathering in the produce thereof:

For remedy whereof and that a body of men may be raised and equipped for the defense of this state:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That each and every company of militia within this state shall, on or before the fifteenth day of June next, provide or hire one able-bodied man not less than eighteen or more than forty-five years of age to be formed into a corps for the above purpose, which shall be known and distinguished by the name of the Pennsylvania Volunteers.

(Section III, P. L.) Provided always, That no deserter from the British army or from the army or navy of the United States or any wagoner actually engaged for any time in the service of said states shall be enlisted or shall pass muster in the said corps of which requisites and exceptions the lieutenant or sub-lieutenant of the city, county or districts for which such volunteer shall be procured shall be judge.

(Section IV, P. L.) And that the terms and continuance of enlistment may be fully known and understood:

[Section II.] Be it further enacted by the authority aforesaid, That every person engaged in said service shall sign an enlistment in the following terms, viz.: "I, A. B., having engaged to serve as a Pennsylvania Volunteer for the —— company of the —— battalion of militia, of the county of ——, in the state of Pennsylvania, do hereby engage to be true and faithful in the said service until the fifteenth day of January next, unless sooner discharged, and to be obedient to the authority of said state and my superior officers, according to the rules and discipline of war and the establishment of the corps in which I am now entered," which said enlistment signed by two witnesses shall be transmitted by the captain or commanding officer of such company to the lieutenant or sub-lieutenant within whose jurisdiction such company may be within two days next thereafter, who within three days after the receipt thereof shall transmit a certified copy of such enlistment to the commanding officer of that part of the said corps raised within his jurisdiction and shall also transmit therewith an order to said officer to rendezvous his men so enlisted with all possible expedition at a certain day and place, that they may pass muster and proceed on service.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if any taxable person enrolled in any company of militia within this state or any other taxable inhabitant residing within the limits of the said company shall neglect or refuse to pay into the hands of the commanding officer of the company a proportionable share of the sum necessary to hire and procure such volunteer, then the lieutenant of said company and two freeholders chosen for that purpose by a majority of the same shall assess and levy a proportionable part of said sum on such person or person so refusing having due regard to the ability of each person as well officer as private. And the lieutenant or sub-lieutenant of the city or county, where such person or persons may reside shall issue his warrant and cause the same to be levied as the militia fines and penalties are levied and collected.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if any company of militia of this state shall neglect or refuse to furnish such volunteer, the

captain or commanding officer thereof shall and he is hereby authorized and required to hire or furnish a volunteer as above for such company and with the assistance of two freeholders assess and levy the hire of such volunteer with the expense and charges of levying and collecting the same on all taxable inhabitants residing within the limits of said company; and in case the captain or commanding officer of any such company refuse or neglect so to do, or if any company should be without such officer, then the lieutenant or sub-lieutenant, where the same shall happen shall, with all convenient speed, hire or procure such volunteer and annex him to his respective corps and shall charge the whole expense of procuring such volunteer on said company, and shall cause the same to be levied and collected as other fines and penalties are directed to be by the militia law of this state.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the president or vice-president in council is hereby authorized and empowered to organize and form the said volunteers into one or more regiments or corps, as in his discretion he shall think necessary, and arm and equip them with the public arms of this state and appoint and commission such and so many officers from each county as such establishment may require; which said officers, non-commissioned officers and privates shall receive the same pay and rations as the troops for the time aforesaid shall receive in the federal army.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the several captains or commanding officers of the companies of militia shall notify their respective companies to meet on or before the fifteenth day of June next, to carry the said act as far as it concerns them into execution, and every person neglecting or refusing shall be liable to the same fines and penalties as is directed for non-attendance on muster days by the militia law of this state.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if any person so engaging as a volunteer and being required by the lieutenant or sub-lieutenant of the city or of any county of this state to march to

the place of rendezvous shall neglect or refuse so to do, or shall withdraw himself or desert from the said service, or sell or embezzle the arms or accoutrements or any part of them provided for him as aforesaid, such volunteer shall be subject to such punishments as are inflicted for the like offenses in the federal army, the trial to be had as is directed by the militia law of this state.

[Section VIII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That if any lieutenant or sub-lieutenant of the city or any county of this state shall neglect or refuse to do the duties of him or them herein required, they shall be fined for every such offense at the discretion of the president or vice-president in council. And if any captain or lieutenant or commanding officer of any company or any person appointed to assess or collect the charge of hire of any of the said volunteers neglect or refuse to do the duties required of them according to the directions of this act they shall be fined by the lieutenant or sub-lieutenant of the city or county where the offense shall happen as collectors of the public state tax are or may be on neglect or refusal to do the duties of them required.

[Section IX.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the president or vice-president in council is hereby authorized to issue such orders to the commissioners of purchase, or other person in any county of this state as may be necessary for the proper subsistence of said troops while continued in service.

[Section X.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That all persons engaged in this corps of Pennsylvania volunteers shall be exempted from being charged with or paying any state or other tax levied during the time of their service as above.

(Section XIII, P. L.) Provided always, That nothing herein contained shall be construed or understood to prevent the reduction or discharge of the said volunteers by the president or vice-president in council at any time before the expiration of the term of enlistment.

(Section XIV, P. L.) Whereas, since the third reading of this act fresh information of the increasing dangers and distresses

which the inhabitants of the frontier counties are exposed to from the incursions of the Indians has been laid before this assembly, from which there is reason to conclude that one man to be raised from each company of militia as provided for in the former part of this act will not be sufficient to answer the good purposes expected therefrom; therefore,

[Section XI.] (Section XV, P. L.) Be it further enacted by the authority aforesaid, That one other volunteer be hired by each company of militia within this state in addition to the one already directed to be raised, at the time and place and in the manner as is hereinbefore directed; and that all and every part of this act shall be construed to extend to the said additional volunteers as fully as if this act had above directed that each and every company of the militia within this state should provide or hire two able-bodied men.

Passed May 26, 1780. See the note to the Act of Assembly passed March 20, 1780, Chapter 902; and the Act of Assembly passed September 29, 1787, Chapter 1319. Recorded L. B. No. 1, p. 390, &c.

CHAPTER CMIX.

A SUPPLEMENT TO AN ACT ENTITLED "AN ACT TO COMPEL THE SETTLEMENT OF THE PUBLIC ACCOUNTS,"¹ AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas, by the act, entitled "An act to compel the settlement of the public accounts,"¹ passed on the first day of March last, it is enacted "That in any case wherein it shall appear that a balance of moneys shall be due by any person or persons to this commonwealth the said auditors, or any two of them, shall direct that payment thereof be made to the treasurer of this state; and the certificates of the said auditors, or any two of them, shall be conclusive evidence in an action of debt, at the suit of the commonwealth, against any person or persons of the sums of money which such person

¹ Passed March 1, 1780, Chapter 882.