

CHAPTER MMCCCI.

AN ACT FOR THE MORE CERTAIN ADMINISTRATION OF JUSTICE.

Whereas, from sickness and other causes, the holding of the courts of justice of this commonwealth, at the regular terms, have been and may hereafter be prevented: Therefore,

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 no process, pleas, suits, actions or proceedings which have at any time been, now are, or hereafter shall be commenced, sued, brought, or depending before the supreme court, or any other court of the commonwealth, shall be discontinued or put without day, or so considered, by reason of the nonattendance of the justices or judges of the said courts, but shall stand good and effectual in law, to all intents and purposes, notwithstanding the nonattendance of any of the said justices or judges.

Approved April 6, 1802. Recorded L. B. No. 8, p. 132.

CHAPTER MMCCCII.

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 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 enrollment, 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 severally and respectively 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 that 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 and 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 each 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 that 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 their 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 reliefs 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 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 such offence, 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 county duplicates, the sum of five dollars each, over and above the amount of their taxes; and the tax so imposed on all minors who are exempts, shall be charged to the parent, guardian, master or mistress of such minor, 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-fourth 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 moneys 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, all such fines from exemptions as they shall receive by virtue of this act; and the said county treasurers respectively, shall be allowed in the settlement of their accounts with the comptroller and register generals, five per centum on all moneys so received and by them paid to the state treasurer as aforesaid.

Section II. (Section II, 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 citizen of the United States, ministers of religion of every denomination, professors and teachers in the university, colleges, academies and schools, while they are actually employed as such, judges of the supreme court, and presidents of the court of common pleas, menial servants of ambassadors, ministers and consuls from foreign states, sheriffs, gaolers, 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 III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the militia of this commonwealth shall, within the respective bounds hereinafter 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 con-

sist 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 regiment, 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 shall be completely uniformed and equipped, and one or more troops of horse, which shall be formed of volunteers in their respective brigades, at the discretion of the governor, not exceeding one company to a regiment nor more in number than one eleventh part of the infantry.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the territory of this commonwealth be, and it is hereby divided into division bounds, as follows, to wit: The city and county of Philadelphia shall form one division; the counties and county of Philadelphia shall form one division; the counties of Bucks and Montgomery one; the counties of Chester and Delaware one; the county of Lancaster one; the counties of York and Adams one; the counties of Berks and Dauphin one; the counties of Cumberland and Franklin one; the counties of Northampton and Wayne one; the counties of Northumberland, Lycoming and Luzerne one; the counties of Mifflin, Huntingdon and Centre one; the counties of Bedford, Fayette and Somerset one; the counties of Washington and Greene one; and the counties of Westmoreland, Allegheny, and that part of Butler which is included in lieutenant-colonel Gilliland's regiment, and that part of Beaver which lies south of the river Ohio, one; and the counties of Armstrong, Crawford, Erie, Venango, Warren, Mercer, part of Butler, and that part of Beaver which lies north and west of the river Ohio, one other 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 a new arrangement 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 proportion; 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 V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That there shall be two colors or standards provided at the expense of the state, for every regiment, so that each battalion may have one, and they shall be uniform throughout the state, and of the following dimensions and devices, to wit: The length or height of the staff of each of the said colors shall be nine feet, with a brass spear on the top thereof; the fly of each of the said colors shall be five feet six inches in length, and four feet six inches in the height on the staff; on the fly of one of the said colors, to be made of a dark blue colored silk, there shall be painted an American eagle, with expanded wings, supporting the arms of the state, or some striking part thereof; in the upper corner, next to the staff, there shall be inserted, in white letters and figures, the number of the regiment, and the word "Pennsylvania," encircled or ornamented with thirteen white stars; the fly of the other color shall be composed of thirteen red and white alternate stripes, with the upper corner next to the staff colored and appropriated as above directed; and each

color shall be ornamented with two silk tassels; and the two colors or standards now deposited in the office of the secretary of this commonwealth, shall be preserved as models for the colors of the state, agreeably to which all the regimental colors of this commonwealth shall be made. And 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 may be that of the regiment to which they belong; and the cocade to be worn by the militia of this state, shall be blue and red. Provided, that nothing in this section shall entitle any regiment or battalion to the colors or standards above described, who have already received the same in pursuance of the fifth section of the act, entitled "An act for the regulation of the militia of the commonwealth of Pennsylvania, passed the ninth day of April, one thousand seven hundred and ninety-nine."⁽¹⁾

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, a fuzee, bayonet and belt, and a 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 a pair of pistols, the holsters of which shall be covered with bearskin caps; each light horse man or dragoon shall furnish himself with a serviceable horse, of at least fourteen hands and an half high, a good saddle, bridle, mail pillion and valse, 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 a cartridge box, to contain at least twelve cartridges for pistols; and every person so enrolled and provided with arms, ammunition and accoutrements required as afore-

said, 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 major; to each brigade, one brigadier-general, one brigade-major, and one brigade-inspector; each with the rank of major; to each regiment, one lieutenant-colonel commandant; and to each battalion, one major; to each company of infantry (including 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 quartermaster, to rank as lieutenant, one paymaster, one surgeon, one surgeon's mate, one sergeant-major, one quartermaster-sergeant, one drum-major and fife major; 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, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter. There shall be one adjutant general, with the rank of brigadier-general, appointed for the whole militia; and it shall be the duty of the first sergeant of every company to act as clerk of the company.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the adjutant-general, major-generals, brigadier-generals, and brigade-inspectors, shall be appointed and commissioned by the governor; the division and brigade officers to be residing within their respective division and brigade bounds; that the major-generals shall appoint their own aides-de-camp, and the brigadier-generals their brigade-majors; that the field officers of each regiment shall appoint their respective regimental staffs; that the lieutenant-colonels, majors, captains, lieutenants, and ensigns, sergeants and corporals, shall be elected in form and manner hereinafter mentioned and provided for; 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 regiment, battalion or company in which he was elected; that all commissioned officers shall be commissioned during seven 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 city of Philadelphia, or out of the bounds of any county or district in which he was designed to command, 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 to 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 register-general, 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 the divisions, brigades, 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; that 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 service, receive a yearly salary of six hundred dollars; and it shall be the duty of 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, 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 others 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, 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 noncommissioned 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 _____ to march when required. Appeals to be heard at _____ on the _____ day of _____ . Given under my hand." 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 offence; 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 reputable citizens, one whereof shall be a justice of the peace, to sit at the places named in the notices above directed to be served upon every militiaman so called out, and shall there hear and determine all appeals that may be made by the persons thinking themselves aggrieved by anything 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 citizen 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, or cause to be delivered, to the state treasurer, to the register-general, and to the commissioners of the proper county, each a list of all such delinquents, as well 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 ex-emptis are directed to be collected in and by the first section of this act; and that 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 register and comptroller-general 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 moneys 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 moneys 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 the case of his death, his executors or administrators, shall deliver up to his successor 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 office, 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 septennially 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 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, or near the centre of 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 lieutenant-colonel; and the enrolled inhabitants as aforesaid, of each battalion bounds respectively, shall elect by ballot as aforesaid, on the same or some other day, and at such place 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, and one ensign, four sergeants and four corporals; previous to which said election or elections respectively, the said enrolled inhabitants shall elect two respectable citizens, to be under oath or affirmation, which the officer superintending the election is hereby authorized to administer, to preside as judges thereof, who shall certify to the inspector the names of the persons so elected; and the said inspector shall attend and superintend each and every of the said regiment or battalion elections, and after the officers are elected shall give notice thereof to the persons elected and transmit to the gov-

ernor a proper return of the officers elected, to be commissioned, mentioning the number of the regiment, 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 for officers in the infantry; and in every case of future vacancy, whether occasioned by death, resignation or otherwise, the commanding officer of the regiment, battalion, troop or company, as the case may be, 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; but if any regiment, battalion, troop or company, being duly noticed and required as aforesaid, shall neglect or refuse to elect their officers as aforesaid, then it shall and may be lawful for the inspector of the brigade to which such regiment, battalion, troop or company 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; and the governor approving thereof, shall commission the said person, which shall be as effectual, to all intents and purposes, as if the said officers had been elected as before directed; and the said inspector shall as soon as may be, acquaint the parties so neglecting or refusing with the appointments that shall have been made as aforesaid; but no change shall take place other than that provided for by the fourth section of this act, either in the divisions, brigades, or the numbers of the regiments of the city or the several counties of this commonwealth, until after the expiration of the seven years for which the officers were elected and commissioned, under the directions of an act passed on the ninth day of

April, one thousand seven hundred and ninety-nine, entitled "An act for the regulation of the militia of the commonwealth of Pennsylvania⁽¹⁾;" but that all commissions which may have issued or shall issue, to fill any vacancies subsequent to the first election held in conformity to the said act, shall expire and cease to be of effect at the end of seven years from the time of holding the said first general election, 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, at the completion and expiration of seven years from the time of holding the first election aforementioned, under the before recited act, any term mentioned in 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, 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 militia officers shall take place, when the rank of officers is not already determined by the date of commissions, the rank of the lieutenant colonels shall be determined by a lot, to be drawn in the presence of the brigadiers; and the rank of the majors and captains in the several regiments, to be determined in like manner by a lot, to be drawn in the presence of the lieutenant-colonel or commanding officer of the regiment.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if the election of any 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 them 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 in order to give respectability and permanency to the militia arrangements of this state, the regiments shall be numbered and called as follows, to wit: In the city of Philadelphia, the regiment commanded by lieutenant-colonel Pancake, shall be No. 24; by lieutenant-colonel Willis, No. 25; by lieutenant-colonel Bright, No. 28; by lieutenant-colonel M'Lane, No. 50; by lieutenant-colonel Barker, No. 84; in the county of Philadelphia, the regiment commanded by lieutenant-colonel Forepauch, shall be No. 42; by lieutenant-colonel M'Mullen, No. 67; by lieutenant-colonel Beck, No. 75; by lieutenant-colonel Worrell, No. 80; and the regiment commanded by lieutenant-colonel Coates, No. 88: In the county of Montgomery, the regiment commanded by lieutenant-colonel Henderson, shall be No. 36; by lieutenant-colonel Wentz, No. 51; by lieutenant-colonel Hart, No. 56; and by lieutenant-colonel Davis, No. 86: In the county of Bucks, the regiment commanded by lieutenant-colonel Smith, shall be No. 15; by lieutenant-colonel Piper, No. 31; by lieutenant-colonel Clunn, No. 32; and by lieutenant-colonel Vansant, No. 48: In the county of Chester, the regiment com-

manded by lieutenant-colonel Grier, shall be No. 27; by lieutenant-colonel Armstrong, No. 47; by lieutenant-colonel Taylor, No. 85; by lieutenant-colonel Cochran, No. 97; by lieutenant-colonel Harris, No. 44; and by lieutenant-colonel Ralston, No. 92: In the county of Delaware, the regiment commanded by lieutenant-colonel Smith, shall be No. 65; and by lieutenant-colonel Richards, No. 100: In the county of Lancaster, the regiment commanded by lieutenant-colonel Wright, shall be No. 5; by lieutenant-colonel Ensminger, No. 7; by lieutenant-colonel Kline, No. 120; by lieutenant-colonel Thomas, No. 121; by lieutenant-colonel Boyd, No. 34; by lieutenant-colonel Boal, No. 60; by lieutenant-colonel Whitehill, No. 98; and by lieutenant-colonel Long, No. 104: In the county of York, the regiment commanded by lieutenant-colonel Black, shall be No. 40; by lieutenant-colonel Kelly, No. 41; by lieutenant-colonel Reisinger, No. 61; by lieutenant-colonel Hendricks, No. 111; by lieutenant-colonel Spangler, No. 13, and by lieutenant-colonel Hinckel, No. 124: In the county of Adams, the regiment commanded by lieutenant-colonel Kuhn, shall be No. 9; by lieutenant-colonel Getty, No. 20; and by lieutenant-colonel King, No. 93: In the county of Berks and Dauphin, the regiment commanded by lieutenant-colonel Baum, shall be No. 37; by lieutenant-colonel Frailey, No. 43; by lieutenant-colonel Schreader, No. 69; by lieutenant-colonel Epler, No. 79; and by lieutenant-colonel Kline, No. 114: In the county of Dauphin, the regiment commanded by lieutenant-colonel Weirich, shall be No. 3; by lieutenant-colonel Elder, No. 66; by lieutenant-colonel Toot, No. 78; by lieutenant-colonel Anspach, No. 95; and by lieutenant-colonel Sebold, No. 117: In the county of Cumberland, the regiment commanded by lieutenant-colonel Bovard, shall be No. 12; by lieutenant-colonel Ewalt, No. 21; by lieutenant-colonel Urie, No. 49; by lieutenant-colonel Roan, No. 59; by lieutenant-colonel Martin, No. 87; and by lieutenant-colonel Ruply, No. 116: In the county of Franklin, the regiment commanded by lieutenant-colonel Findlay, shall be No. 1; by lieutenant-colonel Alexander, No. 64; by lieutenant-colonel Statler, No. 68; by lieutenant-colonel Rhea, No. 73; and by lieutenant-colonel Scott, No. 96: In the counties of North-

ampton and Wayne, the regiment commanded by lieutenant-colonel Wetzel, shall be No. 13; by lieutenant-colonel Ohl, No. 38; by lieutenant-colonel Rinker, No. 94; by lieutenant-colonel Kestler, No. 101; by lieutenant-colonel M'Keen, No. 118; by lieutenant-colonel M'Ferren, No. 8; by lieutenant-colonel Horn, No. 71; by lieutenant-colonel Dingman, No. 103; by lieutenant-colonel Stanton, No. 110; and by lieutenant-colonel Shoup, No. 115: In the counties of Northumberland, Lycoming and Luzerne, the regiment commanded by lieutenant-colonel Ransom, shall be No. 35; by lieutenant-colonel Faulkner, No. 45; by lieutenant-colonel Spalding, No. 57; by lieutenant-colonel Montgomery, No. 81; by lieutenant-colonel Rupert, No. 112; by lieutenant-colonel Giffin, No. 123; by lieutenant-colonel Hyde, No. 129; by lieutenant-colonel Cummings, No. 4; by lieutenant-colonel Abraham M'Kenny, No. 18; by lieutenant-colonel Baldy, No. 39; by lieutenant-colonel Drum, No. 77; by lieutenant-colonel John M'Kenny, No. 102; and by lieutenant-colonel Roberts, No. 106: In the county of Mifflin and parts of Centre, the regiment commanded by lieutenant-colonel M'Dowell, shall be No. 11; by lieutenant-colonel Beale, No. 52; by lieutenant-colonel Bratton, No. 74; by lieutenant-colonel Banks, No. 83; by lieutenant-colonel Craig, No. 89; and by lieutenant-colonel Myers, No. 131: In the county of Huntingdon and part of Centre, the regiment commanded by lieutenant-colonel Moore, shall be No. 14; by lieutenant-colonel Fee, No. 33; by lieutenant-colonel Cromwell, No. 46; by lieutenant-colonel Holiday, No. 58; and by lieutenant-colonel Entricken, No. 119: In the county of Fayette, the regiment commanded by lieutenant-colonel Collins, shall be No. 72; by lieutenant-colonel Oliphant, No. 90; by lieutenant-colonel Brashiers, No. 91; and by lieutenant-colonel Whaley, No. 108: In the counties of Bedford and Somerset, the regiment commanded by lieutenant-colonel Clarke, shall be No. 10; by lieutenant-colonel Agnew, No. 55; by lieutenant-colonel Bonnet, No. 105; by lieutenant-colonel Kimmel, No. 109; by lieutenant-colonel Moore, No. 127; and by lieutenant-colonel Boyls, No. 128: In the counties of Washington and Greene, the regiment commanded by lieutenant-colonel Atchison, shall be No. 22; by lieutenant-colonel Mar-

shall, No. 23; by lieutenant-colonel Hare, No. 53; by lieutenant-colonel Stevenson, No. 82; by lieutenant-colonel Heaton, No. 6; by lieutenant-colonel Jenkins, No. 99; by lieutenant-colonel M'Clelland, No. 122; and by lieutenant-colonel Cather, No. 130: In the county of Allegheny and in that part of Butler county which is included in lieutenant-colonel Gilliland's regiment, and in that part of Beaver county which lies south of the river Ohio, the regiment commanded by lieutenant-colonel Martin, shall be No. 16; by lieutenant-colonel Gilliland, No. 29; by lieutenant-colonel Cunningham, No. 62; by lieutenant-colonel Noble, No. 76; and by lieutenant-colonel M'Farland, No. 125: In the county of Westmoreland, the regiment commanded by lieutenant-colonel Bonnet, shall be No. 2; by lieutenant-colonel Wagle, No. 19; by lieutenant-colonel M'Combs, No. 30; by lieutenant-colonel Campbell, No. 54; by lieutenant-colonel M'Dowell, No. 63; by lieutenant-colonel Hunter, No. 7: In the counties of Armstrong, Erie, Butler, Crawford, Warren, Mercer, Venango, and part of Beaver, the regiment commanded by lieutenant-colonel Forster, shall be No. 17; by lieutenant-colonel Sproat, No. 26; by lieutenant-colonel Reed, No. 107; and by lieutenant-colonel Sloan, No. 125; and all regiments hereafter to be formed, shall follow these 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 the dates of commissions, or the drawing of lots for that purpose.

Section XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That every militiaman removing 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 services; which certificate the said militiaman shall produce to the captain or commanding officer of the company in whose bounds he next settles, within ten days after his settlement, under the penalty of two 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, in every year as follows, to wit: In companies, on the first Monday in the month of May, and on the first and second Mondays in the month of October, and the first regiment in each and every brigade, on the third Monday in the months of May and October, the second regiment on Tuesday, and so on, according to such order as the brigade inspector shall prescribe, on every day of the week (Saturday and Sunday excepted) of which one month's previous notice shall be given by the brigade inspectors respectively, until the whole number of regiments shall have mustered and exercised in the aforesaid manner, and at such places as the field officers of each regiment, or a majority of them, shall agree upon; provided they shall not enter into any person's enclosure, without the consent of the owner first obtained; and no militiaman shall, after the first day of October, in the year one thousand eight hundred and three, be admitted into the ranks of any company, without a sufficient musket, rifle 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 shall be liable as for nonattendance on days of exercise; and if any militiaman 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 such arms, and shall conceive himself aggrieved, he may appeal to the field officers of the regiment to which he belongs, who shall consider his circumstances, and grant such relief as to them, or a majority of them, shall appear just and reasonable.

Section XVI. (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That if any commissioned or staff officer shall, without a lawful excuse, neglect or refuse

to attend on any of the days herein appointed for exercise, such delinquent officer or officers 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 or staff officer, shall forfeit and pay the sum of two dollars, to be recovered as other fines for nonattendance, and subject to like appeals; 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 or private shall be summoned and actually attending on any of the days of exercise aforesaid, as a juror or witness in any court within this commonwealth, and the same fines shall be respectively paid by every officer, noncommissioned officer or private who shall leave the parade on any day of training before the regiment or company is discharged, without leave first had and obtained of the officer commanding; and the master or mistress of any apprentice, and the father or mother of any minor liable to serve in the militia, who shall refuse or 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 fine or 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 exercise, shall have incurred the fines before mentioned, a sergeant, or the 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 men are dismissed, shall call over the muster roll of the company, noting those who are absent, and within two days after every company or regimental meeting, a return shall be made by him to the captain or commanding officer of each company, under the penalty of five dollars for every time he shall neglect or refuse to make such return of all the absentees on the several days of exercise, particularly

designating the day on which each 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 in the months of May and October, to appoint six commissioned officers, three to preside in each battalion for the current year, as a court to hear appeals, who when sitting at such court, shall be under oath or affirmation, to be administered by any judge or justice of the peace, to perform their duty with fidelity and impartiality; and who shall, in not less than ten, nor more than fifteen days after the meeting of the regiment in the months of May and October annually, hear 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, 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.

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 or equity 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 or equity of the said commonwealth, shall in any case hear, sustain, 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, to the contrary in any wise notwithstanding.

Section XIX. (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That for the purpose of collecting and levying as well the fines that shall be incurred for non-attendance on days of training, as those which shall be imposed by regimental 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 nonattendance on any day or days of training, within ten days after the passing of the sentence or decree of the court of appeal or court martial, shall be obliged, and under the penalty of fifty dollars for every neglect or refusal therein, he is hereby enjoined to issue a warrant under his hand and seal, directed to some constable, commanding him to collect and levy the said fine or fines; and the said constable shall be authorized, and he is hereby enjoined and required, under the penalty of twenty dollars, to call on every delinquent who shall be named in such warrant, or in a schedule or list thereto annexed, and demand payment of the said fine or fines, and of five per centum on the amount thereof, for his trouble in collecting the same; and on neglect or refusal to make such payment, after demand thereof 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 the act for the more easy and speedy recovery of small debts, passed the first day of March, 1745-46⁽⁹⁾; but if any such constable, for the space of thirty days after the receipt of such warrant, endorsed with the time of delivering the same by the president of the court martial, or the commanding officer of a company, as the case may be, shall neglect or refuse to pay unto the paymaster 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, 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, excepting therefrom only 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 fourth Monday of November, adjudge it to have been imprac-

licable or improper for the said constable to collect and obtain; and it shall be the duty of the said paymaster of the regiment, on the said fourth Monday of November, yearly and every year, to make out a fair and clear statement of his accounts, and lay the same before the field officers and any two 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 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 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, for every such neglect or refusal, of which a regimental court martial shall judge, such paymaster, or his executors, administrators, or others possessing such books, papers or accounts, shall forfeit and pay for the use of the regiment, the sum of one hundred dollars, to be recovered by the quartermaster of the regiment, in the same manner as is provided by the thirty-third section of this act for the collection of fines imposed on other officers.

Section XX. (Section XX, P. L.) And be it further enacted by the authority aforesaid, That for the collection of all the fines in arrears, which have been incurred under the act, entitled "An act for the regulation of the militia of the commonwealth of Pennsylvania," passed the ninth day of April, one thousand seven hundred and ninety-nine⁽¹⁾, the several captains or commanding officers of companies shall have and exercise the same powers, except that of holding appeals, with which they are vested by the nineteenth section of this act, for the collection of such fines as may be hereafter incurred, and they are hereby severally enjoined and required, on or before the first Monday of September next, to issue their respective warrants for the collection of the fines so as aforesaid in arrears, under the penalty of fifty dollars each, for every neglect or refusal, to be recovered as officers fines are recoverable by the thirty-third section of this act.

Section XXI. (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That the said paymaster shall hold the moneys paid over to him according to the directions of this act, subject to the drafts of the colonel or commanding officer of the respective regiments, to be drawn in the order and for the purposes hereinafter 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, and of days appointed exclusively for the exercise of officers, which by this act are imposed upon officers and others, and for which no other specific provision is hereby made, and to defray all such other expenses only, as a majority of the field officers of each regiment may adjudge to be necessary and useful for the regiment, for promoting military discipline and effectuating the ends and purposes of this act.

Section XXII. (Section XXII, 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 nonattendance on days of training, may be as follows :

“The Commonwealth of Pennsylvania, to

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, according to law, to levy, collect, and pay over all the fines aforesaid. Given under my hand and seal the day of

, one thousand eight hundred and .

A. B. captain (L. S.)

To collector.”

And the form of the warrant to be issued by the president of court martial may be as follows:

“The Commonwealth of Pennsylvania, to

Whereas A. B. hath been duly sentenced to pay a fine for the sum of (for disobedience of orders, neglect

of duty, &c., as the case may be) this warrant therefore authorizes and requires you, according to law, to levy, collect,

and pay over the said fine. Given under my hand and seal
the _____ day of _____, one thou-
sand eight hundred and _____

A. B. President. (L. S.)

To _____ collector."

Section XXIII. (Section XXIII, 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 twenty dollars, to transmit a list of the names of all the absentees, and the fines charged for nonattendance on days of training, as also the names of the exempts, to the officers holding the appeals, and the said court of appeals shall, under the penalty of twenty dollars each, transmit a general return of the delinquent fines charged, to the commanding officer of the regiment, and one copy to the paymaster 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 officers holding courts of appeal and regimental courts martial, shall each receive one dollar per day, to be paid by the paymaster 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 the keeping of accounts, to be paid for out of the regimental fund, and shall for performing the several duties enjoined on him by this act, receive five per centum on all moneys that come into his hands; and officers holding general courts martial, shall be paid each for his services, one dollar per day, to be paid by the inspector of the brigade in which such court martial is held, on orders signed by the president of the court, to be allowed to such brigade inspector on the settlement of his accounts.

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. Pro-

vided, 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 brigade or brigades respectively, be first called, unless the danger of an invasion from Indians or others 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 shall make part of the fifth call of the militia, and be commanded by their own proper officers; and every flank company to be 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 the ensign of the third; third draft, the captain of the third company, the lieutenant of the fourth, and the ensign of the second; fourth draft, the fourth captain, the lieutenant of the third company, and the ensign of the first; the fifth draft, the fifth captain, the lieutenant of the sixth, and ensign of the eighth; sixth draft, the sixth captain, the lieutenant of the fifth company, and the ensign of the seventh; seventh draft, the captain of the seventh company, the lieutenant of the eighth, ensign of the sixth; eighth draft, the captain of the eighth company, the lieutenant of the seventh, and the ensign of the fifth; non-commissioned officers to take their tour of duty with the com-

missioned 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 amounts to a colonel's command, but if it does not, the command shall devolve upon 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 the 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 detachment 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 the detachments from the several companies of his regiment, and he shall make out a roll of the whole, mentioning the rank of the officers and the names of the non-commissioned officers and privates; and when the detachments 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, noncommissioned officers and privates from the respective regiments within his brigade; and it shall furthermore be the duty of said 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 of the whole detachment, 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 fifty 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, a 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 be 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.

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 twelve 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 commanding officers of the respective regiments, is hereby authorized to meet in division or brigade, on any of the days appointed by this act for training the militia in regiments; 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 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 battal-

ions, 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 1. If any field or other commissioned officer, at any regimental review, or on any other occasion, when the regiment, battalion, troop or company to which he may belong, or in which he holds a command, is paraded in arms, shall misbehave, or demean himself in an unofficerlike 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 noncommissioned officer or private, shall on any occasion of parading 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 ten dollars, nor less than two dollars.

Article 2. 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, or at the discretion of the inspector of the brigade to which he belongs, when the said 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 discretion 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 regimental court martial; and a noncommissioned officer offending in such case, shall be fined at the discretion of a regimental court martial, in any sum not exceeding twenty dollars.

Article 3. 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.

Article 4. If any militiaman shall desert while he is on a tour of duty, he shall be fined twenty-four dollars for every such offence, and be obliged to march on the next tour of duty, under the same penalties as at first; if a noncommissioned officer shall so desert, he shall be degraded and placed in the ranks, shall pay a fine of thirty dollars, and be obliged to serve another tour as a private.

Article 5. Every general court martial shall consist of thirteen members, all of whom shall be commissioned officers, and of such rank as the case may require, and these thirteen shall choose a president out of their number, who shall not be under the rank of a field officer.

Article 6. Every regimental court martial shall be composed of five members, all commissioned officers, who are to choose one of their members a president, not under the rank of captain, and every court martial whether general or regimental, shall appoint a commissioned officer or other fit person to officiate as judge advocate.

Article 7. 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.

Article 8. 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 affirma-

tion, that the evidence they shall give, is the truth, the whole truth, and nothing but the truth; and the members of all such courts shall take an oath or affirmation, which the president is required to administer to them, that they will give judgment with impartiality.

Article 9. 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.

Article 10. No officer or private, being charged with transgressing these rules, shall be suffered to do duty in the regiment, 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, or adjutant of the regiment, as the case may require, with a copy of the charge exhibited against him, at least ten days before his trial, that he may have an opportunity to prepare his defense.

Article 11. If any officer or private shall think himself injured by his lieutenant-colonel or the commanding officer of the regiment, and shall upon due application made to him, be refused redress, he may complain to the brigadier-general, who shall direct the inspector of the brigade to summon a general court martial, that justice may be done.

Article 12. 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.

Article 13. 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 by the nineteenth section of this act.

Article 14. The commanding officer of the militia for the time being, shall have full power of pardoning or mitigating

any censures or penalties ordered to be inflicted by a general court martial, on any officer, noncommissioned 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, such sentence to be approved by the commander in chief of the militia, who is empowered to pardon or mitigate such sentence, or disapprove the same.

Article 15. That if any commissioned officer shall at any time, or upon any occasion, behave in an unofficerlike, ungentlemanly, or disgraceful manner, the commander in chief, if the person accused be a major-general, the major-general of the division, if a brigadier, the brigadier, if a field officer, or the lieutenant-colonel, if an inferior officer, as the case may be, upon the application of any commissioned officer, shall appoint a board of three officers to enquire into the matter of complaint, and if upon their report it shall appear to him deserving of trial, then and in such case he shall direct a court martial, whose proceedings herein shall have the same effect as if the offence had been committed when on actual duty.

Article 16. 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.

Article 17. All fines that shall be imposed by a 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 inspector shall

cause the same to be levied and collected in the manner hereinafter mentioned.

Article 18. The rules of discipline approved and established by Congress, in their resolution of the twenty-ninth day of March, one thousand seven hundred and seventy-nine, 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, or some other unavoidable circumstances; 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 agreeably 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, noncommissioned officers and privates, are recommended and enjoined upon the militia of this state, as particularly and fully as if the said instructions were repeated and expressed in this act at length.

Article 19. 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. Provided, that upon any transgression or offence of a militiaman, whether officer or private, against the rules and regulations of the federal army, the cause shall be tried and determined by a court martial of the militia of this state, and that it shall be in the power of the governor, or in case of his absence, of the commanding officer of the militia, to mitigate, suspend, or pardon any punishment to which any militiaman may be sentenced by a general court martial; and it shall be the duty of the captain or 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, noncommissioned officer or private, at any regimental or battalion review, or train-

ing of any company, 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 of which no mode is hereinbefore 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 a justice of the peace, or in any court of record within this commonwealth, as from the amount thereof they shall be more properly cognizable; and the said inspector shall render his accounts for all moneys by him received and disbursed by virtue of this act, to the register-general, 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 moneys 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 moneys 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 defence and security of the state, and the treasurer of the commonwealth 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 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 person serving as a lighthorseman, immediately before every time of going into actual service, and enter such appraisement in a book, and in case such horse shall be killed, or die in actual service, or be taken by the enemy, otherwise than by neglect of the owner, on his pro-

ducing to the department of accounts, a certificate of the loss of 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 or 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, or to the United States, 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 offence shall be committed, shall forfeit and pay for every such offence, treble the value of such arms and accoutrements, to be ascertained by such justice or alderman, and levied at the suit of the said brigade inspector, by distress and sale of the offender's goods and chattels, by the justice or alderman before whom such 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 jail 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 the adjutant-general shall issue his orders to the respective brigade inspectors, requiring them to collect all the arms that were the property of this commonwealth, on or before the twenty-eighth day of March, one thousand seven hundred and ninety-seven, within their respective brigades, and within three months after the receipt of such orders, to make report to him of the number so collected, and the condition they are in, and whether such arms were in the hands of public officers or

private persons; whereupon the adjutant-general shall cause all such arms to be equally distributed to the respective brigade inspectors, in proportion to the number of enrolled militia in each brigade, who shall employ a suitable person to repair such arms, if necessary, and when repaired, on producing the account by the person repairing the same, to the brigade inspector, he shall, if he approve thereof, endorse his warrant on the same, directed to the treasurer of the county, in favor of such person, for the amount thereof, which warrant, if countersigned by the commissioners of taxes, or a majority of them, shall be a voucher to the treasurer in settling his accounts with the register and comptroller-generals, who are hereby authorized and directed to investigate and adjust the same in like manner as other accounts are settled; and the respective brigade inspectors shall distribute them to the commanding officers of the respective regiments within such brigade, in due proportion to the number of men in each regiment, taking an accountable receipt therefor; and the commanding officers of the respective regiments shall cause all such arms to be distributed amongst the different captains or commanding officers of each company within their respective regiments, taking receipts therefor as aforesaid; and it shall be the duty of such officers to dispose of said arms in the manner hereinafter provided.

Section XXXVIII. (Section XXXVIII, 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 such 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 nonsuited, 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 XXXIX. (Section XXXIX, P. L.) Whereas in and by an act to provide arms for the use of the commonwealth, passed the twenty-eighth day of March, one thousand seven hundred and ninety-seven,⁽²⁾ it is directed that a due proportion of said arms shall be delivered to the colonel or commanding officer of each regiment, and lodged in a suitable place or places of deposit, under the care of the field officers. And whereas it becomes necessary that some further provision be made for the use and disposal of the said arms, and of such other arms as shall hereafter be purchased and procured for the use of the militia of this commonwealth; therefore,

Be it further enacted by the authority aforesaid, That when any number of arms shall be delivered to the commanding officer of a regiment or battalion, he shall, as soon as may be, divide such arms among the companies of the regiment, having due regard to the number of men in each, and taking a responsible receipt from each captain for the arms delivered to him for the use of his company; and the arms so delivered shall be marked with the number of the regiment and company, and numbered from one progressively; and it shall be the duty of each captain or commanding officer of the respective companies, to appoint a suitable person near the place where the company usually meets for training, in whose custody such arms shall be put; to be cleaned and kept in repair, for the use of such militiamen 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 a majority of the field officers of the regiment shall deem just and reasonable, to be paid out of the regimental fund.

Section XL. (Section XL, P. L.) And be it further enacted by the authority aforesaid, That if any youth of the age 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 bugle horn or trumpet, provided the number shall not exceed one person for the drum, and one for the fife, or one for the bugle horn in each company, and one for the trumpet for each troop of horse; every such person or persons shall be put under the instructions 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 paymaster of the regiment, 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 XLI. (Section XLI, P. L.) And be it further enacted by the authority aforesaid, That the fourth Monday in the month of April, and the fourth Monday in the month of 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 and improving 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 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 collecting the fines in this section mentioned, to the quartermaster of the regiment or other fit person, who shall within one month after the receipt of such warrant, collect and pay the amount of the said fines to the paymaster of the regiment, and shall receive for his services the same compensation as is allowed for collecting fines by the nineteenth section of this act; which fines shall be recovered in like manner, and the persons entitled to like appeal as those for nonattendance 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.

Section XLII. (Section XLII, 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 hereinbefore appointed for the training and mustering of the militia, for the purpose of improving themselves in military discipline; and it shall be lawful for each and every commanding officer of each and every such company to notify his respective company of such stated days of meeting, and to inflict and levy such fines and penalties on any member who shall refuse or neglect to attend such days of exercise 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 same, and shall be appropriated for the payment of the 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 com-

manding officer is hereby enjoined to do some time in the month of May annually.

Section XLIII. (Section XLIII, P. L.) And be it further enacted by the authority aforesaid, That the regiment of artillery now commanded by lieutenant-colonel John Connelly, formed prior to the passing of this act, within the bounds of the first division, composed of the militia of the city and county of Philadelphia, shall continue as heretofore; and it shall and may be lawful for the governor to cause each company of said regiment (not already supplied) to be furnished with one piece of brass or iron field ordnance, at the expense of the state; and the field and other officers of 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 is entitled to by this act; and the companies composing the 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 agreeably to former arrangements of said regiment: Provided, each company shall not be less than forty-four noncommissioned officers and privates.

Section XLIV. (Section XLIV, P. L.) And be it further enacted by the authority aforesaid, That if any officer, non-commissioned officer, or private militiaman, 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;⁽³⁾ and if any officer, noncommissioned officer, or private militiaman, 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,⁽⁴⁾ which last aforesaid act, so far as relates to the purpose of this act, is hereby revived and in full force.

Section XLV. (Section XLV, P. L.) And be it further enacted by the authority aforesaid, That the secretary of the commonwealth is hereby authorized to receive proposals for printing, and under the direction of the governor, shall cause to be printed and bound in leather, a sufficient number of copies of this act, together with the rules and regulations for the discipline of the troops of the United States by the baron Steuben, which laws the adjutant-general shall, on or before the second Monday in August next, cause to be distributed in the manner following, viz: To every general and field officer and brigade inspector, each one copy; to every captain for the use of his company, one copy; and to every adjutant one copy; and shall also, under the direction of the governor, cause to be printed and bound in leather, a sufficient number of the articles of war, and cause the same to be distributed in such manner that each general officer, field officer and brigade inspector, may have one copy; and the expense of printing, binding and distributing the same shall be allowed in the settlement of his accounts with the register-general; and it shall be the duty of any officer having such copy or copies, on his going out of office, on demand made, to deliver, or in case of death, his executors or administrators shall deliver, under the penalty of five dollars, to the successors in office of the person so going out of office or dying, the aforesaid copy or copies.

Section XLVI. (Section XLVI, P. L.) And be it further enacted by the authority aforesaid, That in any county within this commonwealth, where there is reason to presume, from the accounts which have been, or which shall be rendered by the brigade inspectors to the officers of accounts, or from other evidence, that the returns of militia fines incurred under the act, entitled "An act for the regulation of the militia of the commonwealth of Pennsylvania," passed the eleventh day of April, one thousand seven hundred and ninety-three,⁽⁶⁾ and the act, entitled "An act for the regulation of the militia of the commonwealth of Pennsylvania," passed the ninth day of April, one thousand seven hundred and ninety-nine,⁽¹⁾ have not been fully and justly made, or that the said fines, or some part thereof hath been unjustly withheld by any of the said brigade inspectors or collectors, it shall be the duty of the comptroller-general and register-general, and they are hereby enjoined and required to nominate an agent skilled in accounts, to be approved of by the governor, whose duty it shall be to investigate and ascertain the accuracy of the said returns and accounts, made by such brigade inspector, and for this purpose the said agent shall have power to call upon those militia officers whose duty it was, under the recited acts, to make return of the delinquent militiamen, and also of all collectors of the fines of such delinquents, and to demand from them the said inspectors, collectors and officers severally, all the returns of delinquents, and other papers and documents relative to the said fines, in their possession respectively, or copies thereof; and every brigade inspector, collector or other person, who shall refuse to comply with such demand, shall forfeit and pay for every such offence, the sum of one hundred dollars; and the said agent shall have power to examine the said brigade inspectors, officers and collectors, on oath or affirmation, touching the same, and shall report his proceedings to the comptroller-general and register-general, once in every three months; and upon such report being made, they shall proceed to recover all such balances as shall be found remaining in the hands of the brigade inspectors, collectors and militiamen, as the laws

direct; and the said agent shall receive as a compensation for his services, such daily pay, while employed as aforesaid, as the comptroller-general and register-general shall deem just and reasonable, which shall be paid out of the funds for the support of government, by warrant drawn for that purpose in the usual manner.

Section XLVII. (Section XLVII, P. L.) And be it further enacted by the authority aforesaid, That this act shall not have effect until the first day of August next, and that the act, entitled "An act for the regulation of the militia of the commonwealth of Pennsylvania," passed the ninth day of April, one thousand seven hundred and ninety-nine,⁽¹⁾ shall from and after the said first day of August next be, and the same is accordingly 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 forfeiture incurred under the same.

Approved April 6, 1802. Recorded L. B. No. 8, p. 128.

Note (1). Chapter 2068; 16 Statutes at Large, p. 276.

Note (2). Chapter 1940; 15 Statutes at Large, p. 524.

Note (3). Chapter 1693; 13 Statutes at Large, p. 464.

Note (4). Chapter 1271; 12 Statutes at Large, p. 380.

Note (5). Chapter 1695; 14 Statutes at Large, p. 454.

Note (6). Chapter 365; 5 Statutes at Large, p. 22.

CHAPTER MMCCCIII.

AN ACT TO AUTHORIZE THE GOVERNOR TO SUBSCRIBE FOR A CERTAIN NUMBER OF COPIES OF THE LAWS OF THIS COMMONWEALTH.

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 governor of this commonwealth be, and he is hereby required to subscribe for one thousand copies of the laws of this commonwealth, as proposed to be printed by Mathew Carey and John Bioren; to