

sessions, at and for the price of two dollars per copy: Provided, the same shall be equal to the specimen approved and lodged in the Secretary's office aforesaid.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the secretary of the commonwealth shall subscribe for three hundred copies of the eighth volume of the edition of the laws of this commonwealth, now printing by John Bioren, in addition to the thousand copies heretofore contracted for: Provided, the same can be had at two dollars per copy.

Approved March 24, 1808. Recorded in L. B. No. 11, p. 216.

CHAPTER MMCLIX.

A SUPPLEMENT TO THE ACT FOR THE REGULATION OF THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA. (2).

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 field officers of any regiment, or a majority of them, shall have power to direct training or exercising in battalions instead of regiments, and that either of the brigadier generals in the first division, and the field officers belonging to either of the brigades in the said division, or a majority of them, shall be authorized to direct regimental instead of company or battalion trainings, and on notice being given by either of the brigadier generals of the said division to the brigade inspector of the proper brigade, that such regimental trainings are ordered, it shall be his duty to notify the same in the manner hereinbefore directed in the case of regimental trainings: Provided nevertheless, that the field officers of the one hundred and forty-first regiment, commanded by colonel Wilkins, or a majority of them, shall have power to direct training in regiment instead of battalion.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That whenever the field officers of any regiment, or a majority of them shall deem it expedient, there may be raised one company of light infantry, grenadiers, riflemen or pikemen to each battalion consisting of two hundred and fifty enrolled militia, in addition to those authorized by the act to which this is a supplement, who shall be subject to the same regulations and restrictions provided in and by the said act. And whenever they shall have determined that any additional companies are necessary, they shall certify such determination to the brigade inspector, who is hereby authorized to direct an election to be held for such company or companies, in such manner as is provided by the act to which this is a supplement. And on a certificate signed by the field officers aforesaid that there are thirty men in complete uniform, the governor is hereby required to commission the officers legally elected and returned as well of those companies already raised, as of those hereafter to be raised.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That in case the election of a brigadier general, or brigade inspector is contested, no complaint or petition shall be acted upon after the lapse of thirty days, if the election of a field officer, not after twenty, and if the election of a company officer not after ten.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any subaltern officer shall appear on parade without uniform, six months after his being commissioned, such officer shall be fined one dollar for every offense, and that if any other officer shall appear on parade without uniform as aforesaid, such officer shall be fined two dollars for every offense.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the age and ability of any enrolled person to bear arms, shall be determined in the first instance by the captain or commanding officer of a company, with such right of appeal as may be had in any other case.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if any spectator or bystander, shall abuse, molest or strike any one on parade or under arms, the person so offending shall be immediately put under arrest or guard, and kept at the discretion of the commandant of the regiment, company or corps, until the regiment, battalion or company is dismissed.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the troops of cavalry, and the companies of artillery, riflemen and light infantry, forming the militia legion of Philadelphia, shall be authorized to elect a lieutenant colonel commandant and such other field-officers as the legion or a majority of them may deem expedient, in such manner as other officers of the same grade are made eligible by law, who shall be commissioned by the governor, and the members of the said legion shall have power to enact by-laws for their own government, so far as to fix as many days of training over and above those established by law, as any board constituted by themselves shall agree upon, and to levy and collect such fines for non-attendance on days of training, or for absence from any meeting agreed upon by any by-law, which fines shall be collected by any person authorized by the commanding officer of any company or troop or the commandant of the legion by virtue of his warrant under his hand and seal, and the fines so collected shall be applied to the purpose of paying the expenses of the said legion. And in case of a call for the quota of militia of this commonwealth or for volunteers therefrom, the aforesaid legion may tender their services to the president of the United States, or to the governor of this commonwealth, or in case no such tender of service be made, the tour of duty of said legion may be performed in their legionary capacity: Provided, that nothing herein contained shall be understood to exempt any of the companies or troops aforesaid, from training with the regiments to which they respectively belong on those days required by law for regimental or brigade trainings.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the articles, rules and regulations for the government of the militia, shall extend to the musicians thereof.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the troops of cavalry already raised or hereafter to be raised, shall be attached to the respective regiments, not more than two troops to each regiment, and that the companies of artillery not belonging to the regiment commanded by lieutenant colonel Connelly, shall be in like manner attached to the regiments, not more than one company to each, and the troops of cavalry, and the companies aforesaid shall be subject to the same fines for their absence from regimental trainings as the members of other militia corps.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That whenever the militia are called into the actual service of this state or of the United States, it shall and may be lawful for the governor to organize the light infantry, grenadiers, riflemen and pikemen into brigades, regiments or battalions, in such manner that each regiment shall consist of not less than four hundred, each battalion of not less than two hundred, and each company of not less than fifty men, to be officered as follows; viz. To each brigade one brigadier general, to be elected by the officers and privates of the brigade, and one brigade-major with the rank of major, to be appointed by the brigadier-general, to each regiment one lieutenant colonel commandant, and to each battalion one major, to be elected by the officers, and privates of the regiment at the general rendezvous, in such manner as other officers of the same grade are made eligible by law.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the governor shall cause to be delivered to the commandant of the regiment of artillery of the city and county of Philadelphia, and to the commandants of other artillery corps from time to time, such am-

munition as he shall judge necessary for the public good, to be expended in practising with field artillery, mortars or other useful experiments, and the expenses for repairs of the arsenal, carriages, implements and the hire of horses, shall be paid for by the treasurers of the respective counties, on a certificate signed by the lieutenant colonel or commanding officer of the regiment or company, out of the exempt fines, and the county treasurers on producing such certificate shall be allowed therefor in the settlement with the officer of the department of accounts.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the performance of a tour of duty heretofore, or the payment of an equivalent therefor, shall exempt any militia-man, or exempt from a second tour until every class shall have performed its tour or paid its equivalent therefor.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the rank of the lieutenant-colonels of regiments, majors of battalions and the captains of companies, where the same has not been already done, shall be determined by lot, and their respective stations in brigade and in regiment, excepting the flank companies whose rank shall be according to seniority, when the same can be ascertained, otherwise by lot, shall be according to the rank thus drawn: The command of the first battalion of each regiment shall devolve on the major who draws the number of precedence, and in case of the call of a detachment of the militia, the brigadier general of each brigade shall designate the majors who are to serve in such manner that no second tour of duty shall devolve upon any one until all the others shall have served.

Section XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the brigadier general of each brigade shall appoint the brigade quartermaster, and the brigade inspector shall make return to the governor of the brigade major, and the brigade quartermaster appointed,

who shall thereupon issue commissions to them, and commissions shall likewise be issued by the governor to the aide-de-camp of the major general on return being made by him to the governor of such appointments.

Section XV. (Section XV, P. L.) And be it further enacted by the authority aforesaid, That when any detachment of militia shall be called to hold themselves in readiness for actual service, such detachment shall be mustered and inspected by the respective brigade inspectors within their respective regimental bounds, and such detachment shall not be marched to the general rendezvous, but when such detachment is actually required to take the field.

Section XVI. (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the governor be, and he is hereby authorized to issue the arms now in the possession of the commonwealth, and not distributed among the militia, to the brigade inspectors of the different brigades, on their application for the same, to be by them distributed to such companies of the militia as have or shall offer their services to their country, according to the act of congress, but nothing in this section shall be construed to authorize the brigade inspectors to apply for such arms until the officers of such companies shall have given to the inspectors satisfactory security, that the same arms they may receive shall be kept in perfect repair and returned whenever the law shall require it.

Section XVII. And be it further enacted by the authority aforesaid, That so much of the forty-second section of the act to which this is a supplement, as allows compensation to the commissioned and staff officers on their days of training, and every other part of the said act which is altered or supplied by this, be, and the same are hereby repealed.

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Note (*) Chapter 2848; Supra this volume, p. 550.