

Anno Millefimo
 Septingentefimo
 Septuagesimo
 Octavo.

At a GENERAL ASSEMBLY
 begun at Dover, in the Delaware State,
 the first Day of December, Anno
 Domini 1777, and continued by Ad-
 journment till the 4th of April 1778,
 the following Act was passed; That
 is to say,

*An ACT against Desertion, and har-
 bouring Deserters, or dealing with
 them in certain Cases.*

WHEREAS the Act of Assembly against har-
 bouring and dealing with Deserters hath been
 found not to answer the good Purposes thereby intended,
 A 1778.
 Be

Be it enacted by the General Assembly of Delaware,
 and it is hereby enacted by the Authority of the same,
 That, if any Person shall, from and after the Publica-
 tion of this Act, entice or persuade any Soldier belong-
 ing to the Army or Navy of the United States of *Ame-*
rica, or any of them, to desert, he or she shall forfeit
 the Sum of *One Hundred Dollars*; and if any Person shall
 harbour, conceal or assist any Deserter from the Army
 or Navy of the United States of *America*, or any of
 them, knowing him to be such, he or she shall forfeit
 the Sum of *Eighty Dollars*. And if any Person shall
 knowingly buy or exchange, or otherwise receive any
 Horse, Arms, regimental Clothes or Accoutrements be-
 longing to the said United States, or any of them, from
 any Soldier, Trooper, Mariner, Deserter or any other
 Person, he or she shall forfeit the Sum of *Eighty Dollars*;
 and if any Person shall know that any other Person
 harbours, conceals or assists any Deserter, knowing him
 to be such, and shall neglect to give Information there-
 of to some Justice of the Peace within six Days after
 the same hath come to his Knowledge, he or she shall
 forfeit the Sum of *Forty Dollars*.

ny Person
 persuading a
 Soldier to
 desert, &c.
 shall forfeit,
 &c.

Neglecting to
 give Infor-
 mation there-
 of, the Penal-

Such Offen-
 ces where
 cognizable.

Penalties
 how levied.

And be it enacted by the Authority aforesaid, That the
 Offences aforesaid shall be cognizable before any two Jus-
 tices of the Peace of the County where the same shall
 be committed, and upon due Conviction thereof by
 Oath or Affirmation of one credible Witness, or upon
 Confession of the Party, or the Knowledge of such Jus-
 tices, or either of them, the Penalties aforesaid shall be
 levied by Distress and Sale of the Offender's Goods and
 Chattels, by Warrant under the Hands and Seals of
 such Justices; and that a Moiety or half Part of the
 said Penalties shall be paid to the Informer by whose
 Means such Deserter shall be apprehended, or such
 Arms, Regimental Clothes or Accoutrements shall be
 discovered, or who discovers and proves such Know-
 ledge of any Person concerning another harbouring,
 concealing and assisting a Deserter, and neglecting to
 give Information thereof as aforesaid, and the other Half
 to be paid to the Colonel or Commanding Officer of
 the Militia in the District where such Offences shall be
 committed, to be applied by him towards purchasing
 Arms and Accoutrements for such Persons as are poor
 and

and incapable to provide them; and if any such Offender hath not sufficient Goods or Chattels, or shall not pay the Penalty, or give Security for the Payment thereof within ten Days after such Conviction, if a Male, between the Age of Eighteen and Fifty, he shall be adjudged to serve in the Regiment belonging to this State six Months, and the said Justices or either of them shall, and they are hereby required to give Notice of such Adjudication of the Offender aforesaid as soon as conveniently may be done to the commanding Officer of the said Regiment, to whom it shall be lawful to receive and enrol him as a Soldier for the Term aforesaid in any Company in the said Regiment as he shall think proper, and if a Female, or a Male above fifty Years of Age, the said Justices may and shall commit such Person to Goal for any Term not exceeding six Months, nor less than one, or shall adjudge him or her to be disposed of as a Servant, by any Constable or Sheriff of the County, for the Payment of such Penalties, for any Term or Time not exceeding two Years, nor less than three Months: *Provided Always*, that the Prosecution for any of the Offences aforesaid shall be commenced within three Months after the Offence shall be committed.

1778.

Insolvent Offenders how punished.

And be it further enacted by the Authority aforesaid, That any Inhabitant of this State may take up any Person reasonably suspected to be a Defenter, and carry him before a Justice of the Peace in or near the Place, who shall examine such suspected Person, and if by his own Confession, or the Oath or Affirmation of one credible Witness, or the Knowledge of such Justice, he shall be found to be a Defenter, the said Justice shall cause him to be conveyed to the Goal of said County, and the Sheriff shall forthwith transmit an Account thereof to the Adjutant-General of the Army, Colonel of the Regiment, or Captain of the Company to which such Defenter belongs, and shall receive the Subsistence of such Defenter for his Maintenance while he shall be necessarily detained in Custody, but shall be entitled to no Fee or Reward for his Imprisonment, or on any other Account.

Persons suspected to be Defenters may be taken up, &c.

Sheriff to transmit an Account thereof.

And be it enacted by the Authority aforesaid, That the Taker up of such Defenter, except Officers in the Pay of the Continent, shall receive from the Trustee of

the

1778.
Reward for
apprehend-
ing Defec-
ters.

the Loan-Office of the County, upon producing to him a Certificate under the Hand of the Justice by whom such Deforter was committed, the Sum of *Twenty Dollars*, that is to say, *Ten Dollars* as a Reward by the State, over and above the *Ten Dollars* given by Congress, together with the *twelve ninetieth Parts of a Dollar* for each Mile between the Place in which he may be taken, and to which he may be conveyed; *Provided* the said Deforter shall appear by the said Certificate to belong to the Regiment of this State, otherwise the Taker up of such Deforter shall only receive from the Trustee the Allowance made by Congress.

Former Act
repealed.

And be it further enacted by the Authority aforesaid, That the Act intituled, "An Act against Desertion and harbouring Deforters, or dealing with them in certain Cases," passed the Twenty-second Day of *February*, in the Year of our Lord One Thousand Seven Hundred and Seventy-seven, shall be and is hereby repealed.

Signed, by Order of the House of Assembly,

SAMUEL WEST, *Speaker.*

Signed, by Order of the Council,

GEORGE READ, *Speaker.*

Passed
April 4, 1778.

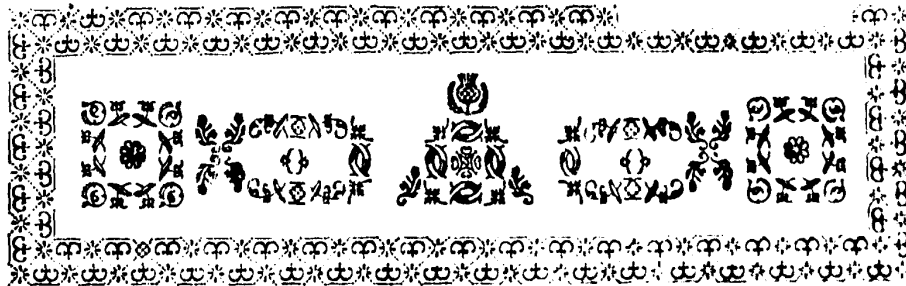
A N
A C T

OF THE
General Assembly

OF THE
DELAWARE STATE,
FOR ESTABLISHING
A M I L I T I A
WITHIN THE SAID
S T A T E.

Anno Millefimo Septingentesimo Septuagesimo Octavo.

LANCASTER
PRINTED BY FRANCIS BAILEY.



*Anno Millesimo Septingentesimo Septuagesimo
Octavo.*

An A C T

For establishing a Militia within this State.

WHEREAS a well regulated Militia, is the proper
and natural Defence of a free State; and as the Laws
heretofore made for the Regulation thereof, are found
to be inadequate to the good Purposes thereby in-
tended

1778.
Preamble.

I. *Be it therefore Enacted, by the General Assembly of Delaware,*
and it is hereby Enacted, by the Authority of the same, That three
suitable Freeholders in each County of the State shall be nominated
and recommended by the General Assembly to the President or Com-
mander in Chief of the State, one of which three Persons, in said
Recommendation, shall be Ruled the Lieutenant of the County he
resides in, and the other two Sub-Lieutenants, and be commissioned
by the President, or Commander in Chief, *ex officio.*

Lieutenant
Adjutant
to Arms,
Powder,
pointed, &c.

II. *And be it further Enacted, That the said Lieutenants and Sub-*
Lieutenants in each County of this State, on Receipt of their respec-
tive Commissions, shall and are hereby directed to proceed to divide
their respective County into three Districts or Divisions for Battalions,
and sub-divide the same Districts in eight Parts or Sub-divisions for
Companies, of which said Divisions and Sub-divisions every Lieu-
tenant shall make a fair Entry in a proper Book by him to be pro-
vided for that Purpose, and take or cause to be taken down in a List

Counties
to be divid-
ed for bat-
talions, &c.

1778.

Male white Person between the Ages of Eighteen and Fifty, specifying the Division and Sub-division in which each Person resides, and deliver a Copy of the Names of the Persons in each Sub-division by him enrolled to the Captain, to the End that he may know what Number of Persons belongs to his Company, and as soon as convenient after such Sub-divisions are made, as aforesaid, the said Lieutenant and Sub-lieutenants shall, by Advertisements in writing set up at proper Places in each Sub-division of said County, at least five Days before the Time of meeting, give Notice to the Persons enrolled in such Sub-division, to meet at some convenient Place therein, to fill up such Vacancies of Officers in the the Company as may happen to be. And when the Persons are so met, they shall, in the Presence of the Lieutenant, Sub-lieutenants, or one of them, choose by Ballot proper Persons for Officers to fill such Vacancies, and the Persons so chosen by a Majority of each Company shall be entered in the Lieutenant's Book, a Copy of which is to be transmitted by the Lieutenant to the President, or Commander in Chief, who is to issue Commissions accordingly, *ex officio*. And wherever it may so happen that two of the present Officers of the same Rank, *to wit*. Two Captains, Lieutenants or Ensigns fall into one Sub-division or Company, by the Regulations directed in this Act, their Commissions shall be vacant and a new Choice made.

Lieutenant
or Sub-lieu-
tenant to
class the
Militia.

III. *And be it Enacted*, That when the Companies are enrolled and officered as before directed, the Lieutenant and Sub-lieutenants respectively shall, within ten Days after, proceed to call the Persons enrolled in each Company together, and in the Presence of the Captain or, on his not attending, the next Commanding Officer present, divide the Company into eight Classes, and the Privates of each Company shall draw by Ballot which Class they are to serve in, and in Case any of the Persons enrolled as aforesaid shall neglect to attend at the Time and Place appointed for classing the said Company, or if there, shall refuse to ballot, then and in such Case the Lieutenant or Sub-lieutenant then and there presiding shall appoint one disinterested Freeholder to draw for the Absentees or Persons so refusing, and the Sub-lieutenants shall make a Report of their Proceedings to the Lieutenant who shall keep a Book with the different Classes Names and Surnames fairly entered in the same.

Number of
each Com-
pany.

IV. *And be it Enacted*, That every Company of Foot in this State shall consist of sixty Men Rank and File at least, and every Troop of Horse of twenty-four Men at least, including Officers, and that no Person shall be permitted to leave his Company or Troop and join himself to another until he obtains a Discharge in writing, under the Hand of the Captain of the Company or Troop to which he belongs.

What Per-
sons shall
provide
Arms, &c.

V. *And be it Enacted*, That every Person between the Ages of Eighteen and Fifty (Clergymen and Preachers of the Gospel of every Denomination,

Denomination, Judges of the Supreme Court, Sheriffs, Keepers of the public Goals, Schoolmasters teaching a Latin School, or having at least twenty English Scholars, and indented Servants *bona fide* purchased, excepted) who is rated in the County of *New-Castle* at Four Pounds, or in the other Counties at Six Pounds, or upwards, towards the Payment of public Taxes shall, at his own Expence, provide himself; and every Apprentice, or other Person, of the Age of eighteen and under twenty-one Years, who hath an Estate of the Value of Eighty Pounds, or whose Parent is rated at Twelve Pounds in the County of *New-Castle*, or at Eighteen Pounds in the other Counties, towards the public Taxes shall, by his Parent or Guardian, respectively, be provided with a Musket or Firelock with a Bayonet, a Cartouch-box to contain twenty-three Cartridges, a Priming-wire, a Brush and six Flints, all in good order, on or before the first Day of *June* next, and shall keep the same by him at all times ready and fit for Service, under the Penalty of Twenty Shillings for every two Months Neglect or Default, to be paid by such Person if of full Age, and by the Parent or Guardian of such as are under twenty-one Years, the same military Accoutrements to be charged by the Guardian to his Ward, and allowed at settling the Accounts of his Guardianship. *Provided always*, that if it should appear to the Satisfaction of a Court of Inquiry, to be appointed by the Commanding Officer of the Company to which such Person belongs, which shall consist of a Subaltern Officer and six Privates, of the same Company, the Subaltern to be the President thereof, that he hath used his Endeavours to procure such Arms and Accoutrements, but could not, that then, and in such Case, the fine shall be remitted, and a longer Time allowed for furnishing the same.

1778.

Penalty on
not keep-
ing them in
good Order
unless &c.

VI. *And be it Enacted*, That every Person so as aforesaid required to be armed and accoutred, having no reasonable Excuse for Neglect, shall attend at the Time and Place appointed, for their respective Appearance for Exercise, in Company or in Battalion, with his Firelock and other Accoutrements, as before directed in good Order, and there diligently, decently and obediently attend to instruction and perform his Exercise in Arms, according to the Commands and Orders of the Commanding Officer: And if any non-commissioned Officer or Private shall not appear on the Parade with his Firelock and other Accoutrements (as soon as he can be accommodated with the same) in good Order, having no reasonable Excuse, and answer to his Name, when the Roll is called over, which the Commanding Officer of each Company is hereby directed to cause to be done, at the Distance of one Hour after the Time appointed for meeting on the Parade, he shall forfeit and pay the Sum of Seven Shillings and Six-pence for every such Neglect; and if after appearance and answering to his Name, he shall not there behave himself in a Manner suitable to the Attention and Care requisite in such Exercise, he shall forfeit and pay any Sum not exceeding Ten Shillings, upon Conviction by a Court Martial, to be appointed in like Manner as the Court

Penalty on
Privates for
non-atten-
dance, &c.

1778.
How to be
adjudged.

of Enquiry before directed. And every commissioned Officer, having no reasonable Excuse, shall attend at the Time and Place of Review, and there do and perform his Duty according to his Office and Station, and for every Refusal or Neglect shall be fined Three Pounds; if a Colonel Forty-five Shillings, if a Lieutenant-Colonel Thirty Shillings, if a Major Twenty Shillings, if a Captain, and Fifteen Shillings if a Subaltern, to be adjudged by the commissioned Officers present, or the major Part of them, at some subsequent meeting: And every Captain and Subaltern, having no reasonable Excuse for Neglect or Refusal to attend on other muster Days, shall be fined, the Captain Fifteen Shillings, and each Subaltern Twelve Shillings and Six-pence, to be adjudged as aforesaid.

Militia how
often to be
exercised.

VII. *And be it further Enacted*, That each Company of Foot and Troop of Horse within this State shall be exercised once in every Month (except the Months of *July, January and February*) at such Time and Place as the Captain shall order and direct, and every Regiment shall be reviewed twice in every Year at such Time and Place within his Division as the Commanding Officer shall direct.

Breach of
Duty by a
commis-
sioned Offi-
cer, how
punished.

VIII. *And be it further Enacted*, That if Complaint shall be made to a Colonel, or other Commanding Officer of a Battalion, of Misbehaviour or Breach of Duty, by any commissioned Officer in any Matter or Thing required of him by this Act, then such Colonel or Commanding Officer may and shall appoint a Court Martial, which shall consist of six commissioned Officers at the least, the President whereof shall be a Field-Officer, who, or a Majority of whom, shall hear, try, determine and give Sentence on such Offence, so that the same Sentence extend not further than to a pecuniary Fine (where not ascertained by this Act) not exceeding Twenty Pounds, or to a public and solemn Acknowledgment of the Fault of such offending Officer, or to a Suspension or Loss of his military Commission; which Sentence being transmitted to, and approved of in Part, or in the Whole, by the President or Commander in Chief of this State, shall be accordingly executed.

Field-Offi-
cers how
appointed.

Vacancies
in Compa-
ny Officers
how sup-
plied.

IX. *And be it Enacted*, That the Field-Officers of each Battalion within this State, in Case of Vacancies shall be chosen by the President and Privy-Council, and the President or Commander in Chief shall issue Commissions to them accordingly, *ex officio*: And if any Vacancy that hath happened or that may hereafter happen in any Company, shall not be supplied in Manner before directed within fifteen Days after the Divisions and Sub-Divisions of the Counties of this State shall be made as aforesaid, or within ten Days after any Vacancy happening thereafter, then and in such Case the President or Commander in Chief may and shall nominate and appoint such Person as he shall think most suitable to fill up such Vacancy, and commission him accordingly.

X. *And*

X. *And be it Enacted*, That the Field-Officers of each Battalion in this State shall appoint a Quarter-Master, an Adjutant, a Drum and a Fife-Major for their Battalion, and the commissioned Officers of each Company shall appoint four Serjeants, four Corporals, one Drum and one Fife for their respective Companies.

Quarter-Masters, &c. how appointed.

XI. *And be it further Enacted*, That the President and Privy-Council shall have full Power and Authority in case of Invasion or Rebellion within this State, or in case of actual Invasion of the State of *Maryland, New-Jersey, Pennsylvania*, or the Eastern-Shore of *Virginia*, to call into actual Service such Part of the Militia, by Classes, as to them shall seem necessary, the first Draught to be composed of the Class Number One of each Company, and in case the first Draught shall not be sufficient for the Exigency, then the Class Number Two shall be drawn, and so on by Classes, from Time to Time, as Occasion may require. And to the End that each particular Draught may be suitably officered, the following Order is hereby directed and enjoined: *That is to say*, For the first Draught, the Captain of the first Company, the first Lieutenant of the second Company, the second Lieutenant of the third Company, and the Ensign of the fourth Company. For the second Draught, the Captain of the second Company, the first Lieutenant of the first Company, the second Lieutenant of the fourth Company, and the Ensign of the third Company. For the third Draught, the Captain of the third Company, the first Lieutenant of the fourth Company, the second Lieutenant of the first Company, and the Ensign of the second Company. For the fourth Draught, the Captain of the fourth Company, the first Lieutenant of the third Company, the second Lieutenant of the second Company, and the Ensign of the first Company. For the fifth Draught, the Captain of the fifth Company, the first Lieutenant of the sixth Company, the second Lieutenant of the seventh Company, and the Ensign of the eighth Company. For the sixth Draught, the Captain of the sixth Company, the first Lieutenant of the fifth Company, the second Lieutenant of the eighth Company, and the Ensign of the seventh Company. For the seventh Draught, the Captain of the seventh Company, the first Lieutenant of the eighth Company, the second Lieutenant of the fifth Company, and the Ensign of the sixth Company. For the eighth Draught, the Captain of the eighth Company, the first Lieutenant of the seventh Company, the second Lieutenant of the sixth Company, and the Ensign of the fifth Company. Non-commissioned Officers to take their Tour of Duty with the commissioned Officers, and the Field-Officers of Battalions in each County of this State, according to their respective Ranks, each Class to be considered as Detachments from different Corps, liable to serve any Term not exceeding six Weeks; and to be relieved by the Class next in numerical Order, the Relief to arrive at least two Days before the Expiration of the Term of the Class to be relieved. But nothing herein contained shall prevent the President and Privy-Council,

President may call out the Militia on Invasion, Rebellion, &c.

How to be officered.

Non-commissioned Officers their Tour of Duty. Field-Officers according to Rank. Militia how relieved, &c.

1778.

Their Pay
and Ra-
tions.

Not to be
kept out of
the State
longer
than, &c.

Who may
call out the
Militia, in
Absence of
the Presi-
dent, &c.

The Lieu-
tenant to
notify Of-
ficers.

Who shall
give Notice
to the Claf-
ses ordered
to march.

And shall
certify the
same to the
Lieut.

Penalty up-
on his Ne-
glect or
Refusal.

Officers not
marching
with their
Clafs to be
fined.

Council, from employing or calling out the Whole of any Battalion where it may be necessary, or the Whole of any Company, without Respect to this Rule, whenever the Exigency is too sudden, to allow the assembling the scattered Militia which compose the particular Classes. And the Militia in actual Service shall receive the same Pay and Rations as continental Troops, their Pay to commence two Days before their marching by Classes; and receive Pay and Rations at the Rate of twenty Miles *per* Day, till their Return home: Provided that not more than one fourth Part of the Classes of the Militia, shall be sent and kept out of this State at any Time, nor shall any Part of the Militia be retained in actual Service, out of this State, longer than the Invasion of the said adjoining State continues.

XII. *And be it further Enacted*, That in Case of the Absence of the President or Commander in Chief of this State, on any Alarm, Insurrection or Invasion, the General or Commanding Officer in the Military-Line, in each County respectively, is hereby authorized and directed to issue his Orders, to the Lieutenant or Sub-Lieutenants, for to call out such Part of the Militia as he may judge immediately necessary, and shall forthwith transmit an Account thereof, to the President or Commander in Chief.

XIII. *And be it Enacted*, That the County Lieutenant upon receiving Orders from the President or Commander in Chief of this State, or the General or Commanding Officer in the Military-Line as aforesaid, for any Class or Classes of the Militia to be called out, by Virtue of this Act, shall immediately notify the Field-Officers and the Captain or Commanding Officer of each Company, which Captain or Commanding Officer, shall forthwith give notice thereof to the Class or Classes who are ordered to march, and shall certify to said Lieutenant or Sub-Lieutenants in writing, under his Hand, at or before the Day of Appeal to be held for said Class or Classes, in what Manner he hath executed said Orders, and make Return of those who are then sick or absent out of the County, and for such Service, each Captain or Commanding Officer of a Company, shall receive from the County Lieutenant, out of the Fines and Forfeitures incurred by this Act, the Sum of Seven Shillings and Six-pence, and no more. And if the Captain or Commanding Officer of any Company, shall refuse or neglect forthwith to give such Notice, or make such Certificate, he shall forfeit and pay to the Lieutenant the Sum of Twenty Pounds, to be recovered as herein after is directed. And if any Field-Officer shall refuse or neglect to march with his Class, he shall forfeit and pay to the Lieutenant, if a Colonel One Hundred Pounds, if a Lieutenant-Colonel Seventy-five Pounds, and if a Major Fifty Pounds; and every Captain who shall refuse or neglect to march with his Class, shall forfeit and pay Thirty Pounds; and every Subaltern or Staff-Officer so refusing or neglecting, shall forfeit and pay the Sum of Twenty Pounds, over and above the Fines incurred by Privates for such Neglect or Refusal, to be recovered as herein after is directed.

XIV. *And*

XIV. *And be it further Enacted*, That every Person who shall refuse or neglect to attend, at the Time and Place appointed by the Lieutenant for any Class to meet, with his Arms and Accoutrements, and shall refuse to march with his Class, when ordered so to do, shall forfeit and pay to the Lieutenant the Sum of Fifteen Pounds, and also the further Sum of Twenty Shillings in the Pound, for every Pound he shall be rated at in the County Assessment, if an Inhabitant of the County, of *New-Castle*; but if an Inhabitant of either of the other two Counties, then the like Sum of Fifteen Pounds, and the further Sum of Thirteen Shillings and Four-pence in the Pound, for every Pound he shall be rated at in his County Assessment. And that every Person of the Age of Eighteen and not exceeding Twenty-one Years, who is by this Act ordered to march with his Class, or to attend on Alarms, and doth neglect or refuse so to do, the Lieutenant of the County, is hereby impowered, to recover the Fines and Forfeitures, he shall so incur by this Act, of his Parent, Guardian or Master, if found to be the Fault of said Master, in the same Way and Manner, as if he or they had incurred said Fine or Forfeiture personally, and shall be by said Guardian charged to his Ward when of Age.

1778.
A Private
not march-
ing with his
Class to be
fined.

XV. *And be it Enacted*, That the County Lieutenant, or one of the Sub-Lieutenants, shall attend, at the Time and Place appointed for any Class or Classes of the Militia called out to meet, and shall call to his Assistance one Justice of the Peace for said County, and one reputable Freeholder of the same, and then and there hear and determine any Appeal, that any Person shall choose to make, who is ordered then to march, concerning Sickness and Inability of Body only, and they shall in such Case, remit or confirm the Fines imposed by this Act, as they shall think meet, or order the Persons so appealing to march in the next Class; and the Freeholder, before he enters on the Duty before directed, shall swear or affirm, before some Justice of said County, *That the Judgment he shall give in that Court of Appeal, shall be agreeable to the true Intent and Meaning of this Act, without Favour or Affection, according to the best of his Skill and Knowledge*: And their Judgment in every such Case shall be final. And the said Justice and Freeholder, shall receive for their Attendance on that Business, the Sum of Twenty Shillings each, *per Day*, to be paid by the Lieutenant of the said County, and be subject to the Penalty of Five Pounds each, for refusing or neglecting to do the Duties of them required by this Act.

Court to be
held for de-
termining
Appeals.

Allowance
for that
Service,
and Penal-
ty for Ne-
glect.

XVI. *And be it further Enacted*, That the Lieutenant and Sub-Lieutenants in each County, when on Duty, shall have the like Rank, Pay and Rations as Colonels and Lieutenant-Colonels of the Militia: *That is to say*, The Lieutenants the same Rank, Pay and Rations as a Colonel, and the Sub-Lieutenants the same Rank, Pay and Rations as a Lieutenant-Colonel. And each Lieutenant is hereby made Treasurer, for all the Monies which may come into his Hands by

Lieutenants
and Sub-
Lieutenants
their Rank,
&c.

Lieutenants
made Treas-
urers.

1778.

Captains to
return to
the Lieu-
tenants
Lists of De-
faulters.

Virtue of this Act, of which he shall keep a just and fair Account in a proper Book, both of the Sums he may receive and the Names of the Persons from whom, and at what Time received, and also of the Disbursements by him made in Pursuance of this Act; which said Books the respective Lieutenants shall lay before the General Assembly of this State, whenever they shall think proper to call for the same; and the Monies which may come into the Hands of the Lieutenants respectively, shall be subject to the Draughts of the General Assembly, and be by them appropriated in Discharge of the Expences which may arise by calling the Militia into actual Service. And to the End that the Lieutenants may know of whom to receive the Fines and Forfeitures which may be incurred, the Captain of each Company is hereby directed, once in every three Months, to return, under the Penalty of Ten Pounds, for every Neglect or Refusal, to be recovered in the Manner herein after directed, a true List, to the Lieutenant of his County, containing the Names of every Person, within the Bounds of his Company, who shall refuse or neglect to do what by this Act is required of him.

Lieutenants
to give
Bond.

Penalty for
Neglect of
his Duty.

Sub-Lieu-
tenants,
Penalty on
them for
Neglect of
Duty.

XVII. *And be it Enacted*, That the Lieutenants, before they enter upon the Execution of their Offices, respectively, shall give Bond to the Treasurer of the County, in the Name of the President or Commander in Chief of the State; with one sufficient Surety, in the Sum of One Thousand Pounds, conditioned for the faithful Discharge of the Trust reposed in them, by this Act, as Treasurer: And for every Neglect or Refusal of the other Duties enjoined them, shall forfeit and pay to the County Treasurer the Sum of One Hundred Pounds, to be sued for and recovered in the Name of the State, by Action of Debt, in any Court of Record within the State: And for every Refusal or Neglect of Duty, the Sub-Lieutenants, respectively, shall forfeit and pay to the County Treasurer, the Sum of Fifty Pounds, to be recovered in like Manner, and applied to the Use of the State. And in Case of the Death, Removal out of the County, or other Disability of any of the Lieutenants or Sub-Lieutenants aforesaid, during the Recess of the General Assembly, the President is hereby empowered and required, to nominate and commission another suitable Person in his Stead.

What shall
be deemed
an Alarm.

XVIII. *And be it further Enacted*, That the firing four Muskets successively and distinctly, and the beating of a Drum, or the firing two Cannon, at four Minutes distance of Time, and the beating a Drum, within the State, shall be Signals of, and be deemed and taken to be an Alarm; and the Commanding Officer of each Company, who shall have Notice of an Alarm, shall forthwith cause the Assemble to be beat, and shall collect the Company under his Command, and if on sending Notice thereof to either of the Field-Officers of his Battalion, he shall receive Orders to that Purpose, he shall also send immediate Notice and Intelligence thereof, to the Commanding Officer of the next Company or Division, who shall cause
Notice

Notice to be given to the next **Commanding Officer**, and so on till general Notice be given; and the **Colonels, Lieutenant-Colonels, Majors, and the Captain or other Commanding Officer** of each Company, shall immediately march his Company, to such Place of Rendezvous, as shall be appointed by the **Commanding Officer**, or the **President, or Commander in Chief** of the State, under the Penalty of **One Hundred Pounds** for every **Field-Officer**, and **Fifty Pounds** for each **Captain**, for each and every such **Default or Neglect** and being degraded; and each **Field-Officer** and the **Commanding Officer** of each respective Company, may and shall, and they are hereby severally empowered, on such Occasion, to impress Horses and Carriages as the Service may require; and upon every such Alarm, any **Officer**, under the **Degree of a Captain**, and every **Private**, shall, and is hereby required, immediately, to repair, with his Arms and **Accoutrements**, to the **Habitation of the Captain** of the Company, to which he belongs, unless some other Place shall be appointed for that Purpose, there to receive such **Orders**, and march to such Place, as he shall appoint, and shall obey all such **Commands**, as the said **Captain or Commanding Officer** shall give, under the Penalty of **Twenty-five Pounds**, if a **commissioned Officer**, and **Ten Pounds** if a **non-commissioned Officer or Private**, and after the said Company is so formed, it shall be considered to be in actual Service and in full Pay, and so shall remain until discharged: And if any Person or Persons, except a **commissioned Officer**, or some Person by him empowered or directed, shall presume to make the **Signals of an Alarm**, in Manner aforesaid, within this State, he or they shall forfeit, for such Offence, the Sum of **Twenty Pounds**.

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Officers are
powered
to impress
Horses, &c.

Penalty for
Non-Atten-
dance on
Alarms.

Who to
make
Alarms.

XIX. And be it Enacted, That every male Person of the **Age of Fifty Years** and upwards (**Clergymen and Preachers of the Gospel**, of every Denomination, **Judges of the Supreme Court, Sheriffs, Keepers of the public Goals, Schoolmasters teaching a Latin School**, or having at least **twenty English Scholars, indented Servants, bona fide purchased**, and those who have a Son, between the **Ages of eighteen and twenty-one Years**, enrolled as aforesaid, only excepted) who doth not attend and perform **Militia Duty**, regularly, shall, as a small Compensation for the **Protection and Security** of his Person and Property, derived from the **Militia**, pay annually, to the **Collector of the public Levies**, of the **Hundred** in which he resides, the Sum of **Three Shillings in the Pound**, for every **Pound** he is assessed at, towards the **Payment of the County Rates and Levies**, over and above his other Taxes.

Persons a-
bove Fifty
Years of
Age, ex-
cept, &c.

To pay 3s.
in the £.

XX. And to the End that the respective **Collectors** may know of whom to demand and receive the said additional Tax; *It is hereby Enacted*, That the **Lieutenant** of each County shall make a compleat List of the **Names of every male Person**, of the **Age of Fifty Years** and upwards, who doth not regularly attend **Militia Duty** (except as in the preceding Clause is excepted) distinguishing the **Hundred** in which

How the
same shall
be collect-
ed.

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~~~~~

which he resides, and the same List, certified under his Hand, shall, on or before the first Day of *January* next, and on or before the same Day in each Year after, return into the Office of the Clerk of the Peace, of this County, there to be filed among the Proceedings of the Levy Court; and the said Clerk of the Peace, shall annually, transcribe the Names contained in such List, and annex to each Name the Sum such Person is rated at in the County Assessment, for the current Year, and also the Sum each Person there named ought to pay under this Act, and deliver Duplicates of the said transcribed Lists, to the respective Collectors of his County, in one Month after.

Collectors  
after De-  
mand made  
and Refusal  
of Payment  
shall levy,  
&c.

XXI. *And be it also Enacted*, That the said Collectors respectively are hereby authorized and required, to demand and receive of the Persons named in the List, so to be delivered, the said additional Tax; and if any Persons whose Names are contained in such List, shall refuse or neglect to pay the same, by the Space of ten Days after Demand made, the said Collectors shall, and may proceed to levy and recover the same in the Manner directed by the Act, for raising County Rates and Levies. And the said Collectors respectively shall, on or before the tenth Day of *November*, in every Year, render a true and just Account of, and pay unto the Lieutenant of their County, all and every the Sums of Money, of the said additional Tax, in their respective Lists, deducting Six-pence in the Pound for their Trouble of Collection.

And shall  
account  
to the Lie-  
tenant.

Collectors  
Bonds ex-  
tended.

XXII. *Provided always, and be it Enacted*, That the public Bonds to be given by the said Collectors, according to the Directions of the Act for raising County Rates and Levies aforesaid, shall be deemed to extend to the faithful Performance, of the Duty hereby required of them respectively.

The Presi-  
dent to ap-  
point a Ma-  
jor-General  
&c.

XXIII. *And be it Enacted*, That the President or Commander in Chief, with the Approbation of the Privy-Council, or any two of them, may commissionate three Brigadiers-General and also one Major-General, when those Offices become vacant, if he shall think such Appointment necessary, to command the Militia of this State, which said Major-General is hereby empowered to appoint an Aid de Camp, and each of the said Brigadiers-General, a Brigade-Major.

What Arti-  
cles of War  
the Militia  
shall be  
subject to.

XXIV. *And be it Enacted*, That the Militia of this State, shall as well without as within the State, be subject only to such Articles of War as may be established by the General Assembly thereof, and shall be tried only by their own Officers.

Persons  
wounded  
or disabled,  
to be sup-  
ported.

XXV. *And be it Enacted*, That if any Person, either Officer or Private, shall happen to be wounded or disabled upon any Invasion, or in any Military Service under this Act, he shall be taken Care of, supported and maintained, according to his Rank and Dignity, at the public Charge of this State, during the Time of his Disability.

XXVI. *And*

XXVI. *And be it Enacted*, That no Person or Persons, by this Act directed to meet and muster, or perform any military Duty, shall be liable to be arrested, or taken by any Sheriff, Constable, or other Officer, in any civil Action whatsoever, on the Day of such meeting, in going to, remaining at, or returning from the Place of such meeting for Muster, or other military Duty, but every such Arrest shall be *ipso facto* void, and the Officer making the same shall be liable to an Action of Trespass for false Imprisonment, at the Suit of the Party so arrested, and he shall be forthwith set at Liberty, and discharged from the Custody of such Officer, by Order of any one Judge or Justice of the Peace, of the County where such Arrest is made, or by the Captain of the Company to which such Person doth belong; and the Arms and Accoutrements aforesaid, of every Person required by this Act, to provide and keep the same for military Service, shall be, and are hereby declared to be exempt, and privileged from all Distresses, Executions, Extents, Attachments, or other Process whatsoever; and any civil Officer distraining, seizing, attaching, or taking the same in Execution, shall forfeit and pay the Sum of Three Pounds, to the Party grieved; to be recovered at the Suit of said Party, in the same Mode other Debts or Demands, under Five Pounds, are made recoverable by the Laws of this State, and any Sale of said Arms and Accoutrements, so as aforesaid exempt, made by any Officer, shall be null and void.

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Military ex-  
empt from  
distresses, &c.

Arms &c.  
privileged  
from Dis-  
tresses, &c.

XXVII. *And be it Enacted*, That one proper Person shall be appointed by the President, or Commander in Chief of this State, with the Advice and Approbation of the Privy-Council, to be Commissary-General of military Stores and Provisions for the State, with Power to appoint two Deputies, one of which shall reside in each of the other Counties, whose Business and Duty shall be to collect together all public Arms and military Stores, and the same securely and safely keep, in some convenient and proper Place, in good Order, fit for Service, and not deliver out any of said public Arms, or Stores, but by Virtue of an Order in writing from the President, or Commander in Chief, of this State, or a Field-Officer of the County where he resides, and take proper Receipts for such Arms or Stores delivered, and that he make Report of the State of the Arms and military Stores in his Care and Custody, once at least in every three Months, to the President, or Commander in Chief, of the State. And the said Commissary is hereby directed, in a proper Book, to keep a just and fair Account of all Arms, military Stores, and Provisions, which may come to his Hands, and of the Delivery thereof, and for his Trouble and Care therein, shall be intitled to receive the Sum of Thirty Dollars, current Money of this State, *per* Month, from the Lieutenant of his County, out of the Money to be by him collected, under this Act: *That is to say*, The said Commissary-General Twelve Dollars, *per* Month, and each of the said Deputies Nine Dollars, *per* Month, a Receipt for which Sum shall be allowed by the

Commissary  
General  
and his De-  
puties, how  
appointed,  
their Duty  
and Pay.

1778. the General Assembly, to the said Lieutenant, on his rendering an Account to the General Assembly, or their Committee, for that Purpose appointed.

Fines exceeding 5 l how recovered.

XXVIII. *And be it Enacted*, That all and every of the Fines and Forfeitures exceeding Five Pounds, by this Act made payable, and the Mode of Recovery, not herein before particularly pointed out, shall be recovered by the Lieutenant in each County, by Summons, or Warrant and Execution, from under the Hand and Seal of a Justice of the Peace in the Neighbourhood where the Person charged resides, directed to the Sheriff of the County, requiring him to levy the same on the Goods and Chattels of the Delinquent, and the same Cause to be appraised by two Freeholders, and, after being publicly advertised ten Days, make Sale thereof, and after Payment of the Fine or Forfeiture to the Lieutenant, together with Costs and Charges, pay the Overplus, if any, to the Owner; and if Goods and Chattels sufficient to discharge the same cannot be found, that then, the Justice granting such Precept, shall certify the Proceedings had thereon, to the Prothonotary of the County, who is thereupon required to issue a *Fieri Facias* for the levying the Fines and Forfeitures aforesaid, on the Lands or Tenements of such Delinquent; and that all the Fines incurred by this Act, under Five Pounds, shall be recovered as Debts of Forty Shillings, or under, are made recoverable by the Laws of this State, and paid to the County Lieutenant, and applied to the same Uses that other Fines coming to his Hands are to be applied.

Under 5 l how.

Persons aggrieved in any Suit of 5 l. or upwards, may appeal.

XXIX. *Provided always, and be it Enacted*, That if any Person or Persons shall think him, her or themselves aggrieved, by the Judgment of the Justice aforesaid, in any Suit of Five Pounds or upwards, he or they may appeal before the Justice aforesaid, and on the Parties giving Security, within six Days next after any such Judgment, to prosecute such Appeal in the Court of Common Pleas of the County with Effect, the Justice shall receive the same, and stay further Process, and the said Justice shall return every such Appeal on the first Day of the next Term, and the Court shall direct a Trial by Jury as in other Cases of Debt, whose Verdict shall be final and conclusive, and all such Appeals shall be tried at the Term to which such Returns shall be made; any Law, Custom, or Usage, to the contrary notwithstanding.

Officers sued, their Remedy.

XXX. *And be it Enacted*, That if any Suit or Action shall be brought against any Officer, civil or military, for doing the Duty enjoined or required of him by this Act, he may plead the general Issue, and give this Act in Evidence; and if the Plaintiff in such Suit or Action shall discontinue the same, be nonsuited, or a Verdict pass against him, or Judgment be given against him, he shall pay the Defendant treble Costs.

XXXI. *And*

XXXI. *And be it Enacted, That this Act shall continue in Force so long as the present War between Great-Britain and The United States of America shall continue, and from thence until the End of the Sitting of the next General Assembly, and no longer.*

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Continu-  
ance of this  
Act.

XXXII. *And be it Enacted, That the Act of the General Assembly of this State, intitled, "An Act for establishing a Militia in this State," be, and the same is hereby repealed, and made null and void. Provided always, That nothing in this Act shall be deemed to repeal or alter the Act of General Assembly, of this State, passed at the May Sessions One Thousand Seven Hundred and Seventy-seven, intitled, "An Act for the more speedy compleating the Quota of Troops to be raised in this State for the Continental Army."*

Former Act  
repealed,  
&c.

*Signed, by Order of the House of Assembly,*

SAMUEL WEST, Speaker.

*Signed, by Order of the Council,*

GEORGE READ, Speaker.

*Passed May 15, 1778.*

