



A
D I G E S T

OF THE

STATUTE LAWS OF KENTUCKY,

OF

A PUBLIC AND PERMANENT NATURE,

FROM THE COMMENCEMENT OF THE GOVERNMENT TO THE SESSION OF THE LEGISLATURE, ENDING ON THE 24TH FEBRUARY, 1834.

WITH REFERENCES TO JUDICIAL DECISIONS.

IN TWO VOLUMES.

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1834.

TITLE 122.

MILITIA.

1815.

IN FORCE FROM ITS PASSAGE.

AN ACT to amend and reduce into one the several acts respecting the Militia!
Approved February 4, 1815.—5 *Litt.* 213.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following laws and regulations for the government of the militia of this state, be hereafter observed and followed by all persons whatsoever, hereby repealing every former law, rule and regulation heretofore enacted or adopted by the authorities of this state relative thereto. The judges of the superior and circuit courts, the treasurer, auditor, attorney general, secretary of state, register of the land office and their clerks; professors and tutors of public seminaries of learning; the public printer, and such as may be necessarily in his office; ministers of religious societies, keepers of public jails, the guards employed in the jails and penitentiary house, the president, cashiers and clerks employed in the Bank of Kentucky and its branches, shall be exempted from military duty, as to attending musters, except to stand a draft, or serve a tour of duty; and in that case none shall be exempt, except ordained ministers of the gospel.

All former laws repealed.

Who exempted from mustering, but not from draft.

None but ministers of the gospel exempted altogether.

SEC. 2. The enrolled militia shall be laid off into divisions, brigades, regiments, battalions and companies. The divisions, brigades and regiments shall be laid off by the governor for the time being, and be subject to such change as he may deem expedient. The field officers of the regiments are hereby authorized to form, alter or modify the boundaries of battalions and companies within their said regiments, as they, or a majority of them shall deem most proper, and the adjutants shall keep a record thereof. The freemen of this commonwealth (negroes, mulattoes and Indians excepted) shall be armed and disciplined for its defence. Those who conscientiously scruple to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal services*; which equivalent shall be one

Militia to be laid off into divisions, &c. by the governor.

Field officers may alter the bounds of battalions, &c.

Free men to be armed for defence, except those who conscientiously scruple to bear arms; and reg-

*See the Constitution of Kentucky, p. 61 *ante*, and note (e) thereto.

ulations respecting an equivalent for personal services as to musters, and relative to their furnishing substitutes for actual service.

dollar per day for each muster; but in case of invasion, insurrection or war, where such persons are called into service, they shall be permitted to find an able bodied substitute in lieu of personal service; or if any conscientious person shall fail to furnish such substitute, the captain of the detachment to whose company he belongs, shall be authorized, and is hereby directed to hire a substitute for such conscientious person, who shall be bound to pay such substitute a sum not exceeding one dollar per day, as said captain may agree to be paid; and said sum agreed to be paid by the captain, shall be recovered before any court, or justice of the peace, having jurisdiction of like sums, by action of debt or any other action usual in sums of like magnitude, in favor of such substitute against such conscientious person; which stipulated sum shall be due and payable so soon as the substitute is discharged from service; or in case of his death, shall be payable to his representatives, so soon as the term of the corps, to which such substitute was attached, expires; and in case individual property shall not be found sufficient to satisfy the amount to such substitute, the officer charged with the collection shall call upon the agent or superintendent of the common stock of the sect or community to which such conscientious person belongs, and if he fails to pay the amount, he shall levy and collect the amount on the common stock, or on any property belonging to the sect to which such conscientious person belongs; and on failure to make the amount, arrest such conscientious person and confine him in the jail of the county, as other debtors, until the amount is paid.

Appointment of staff officers.

Inspectors & quartermasters of divisions to be approved by senate.

Non-commissioned staff to each regiment appointed by commandant; captains to appoint non-commissioned officers, and field officers & captains to nominate officers of companies.

Governor to provide for raising certain companies.

SEC. 3. The commanding officers of divisions, shall appoint their aids, division inspectors and quartermasters; brigadier generals, their aids, brigade majors and quartermasters; commanding officers of regiments, their adjutants, quartermasters, paymasters and surgeons; who shall be commissioned by the governor: *Provided*, that division inspectors and quartermasters, and brigade quartermasters, shall be approved of by the senate. There shall be a non-commissioned staff to each regiment, to consist of one sergeant-major, drum-major and fife-major, to be appointed by the commandant thereof: and captains of companies shall appoint their non-commissioned officers. A majority of the field officers and captains in each regiment, shall nominate the commissioned officers in each company, who shall be commissioned by the governor: *Provided*, that no nomination shall be made unless two at least of the field officers are present; and when two or more persons have an equal and the highest number of votes, the field officer present who may be highest in commission, shall decide the nomination.

SEC. 4. The governor shall provide for raising companies of grenadiers, light infantry, cavalry, riflemen and artillery, agreeable to the laws of the United States, at his discretion; and when raised