

and necessary; and the said lieutenant is hereby enjoined and required to accept and pay the said order to such officer or private: And the said lieutenant shall draw on the treasurer of his shore, as often as he shall have occasion, for such sum or sums of money as he shall make appear to the governor and the council to be necessary for carrying this law into execution.

XXIX. And be it enacted, That if any officer, non-commissioned officer, or private, residing in this state, having a family, shall be killed or die of his wounds received in the service of this or the United States, a certificate from some officer (who was in the same engagement in which he was so killed or wounded and died of his wounds) being produced to the orphans court, and also a certificate from two reputable inhabitants of the county where the family of such deceased officer, non-commissioned officer, or private, shall dwell or reside at that time, setting forth the particular circumstances of such family, the age or ages of the child or children, and the necessity of granting them some support, the said orphans court, when possessed of the certificates aforesaid, are hereby authorized to give an order in favour of such family, upon the lieutenant of the county, for such sum of money as they may think just and necessary for the support of such family from time to time.

The families of persons killed in the service to be allowed a support.

XXX. Provided always, That the support granted be not less than half the pay that such officer, non-commissioned officer, or private, was entitled to at the time of such killing or wounding. Proviso.

XXXI. And be it enacted, That if any suit or suits shall be brought or commenced against any person or persons for any thing done in pursuance of this act, the action shall be laid in the county where the cause or causes of such action did arise, and not elsewhere, and the defendant or defendants 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 defendant or 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.

Suits to be brought in the county where the cause of action arose, &c.

XXXII. And be it enacted, That the lieutenants of counties in this state when in actual service, shall be paid at the rate of eighty dollars per month, during the time of their being in such service, and shall have the same rations as a colonel, and shall be commanders in chief of all the militia in their respective counties.

Pay, &c. of lieutenants.

XXXIII. And be it enacted, That only one major shall hereafter be appointed to any battalion.

One major to a battalion.

XXXIV. This act to continue one year, and unto the end of the next session of assembly which shall happen after the expiration of the said one year.

Continuance.