

them out of the limits of the said division, except when on duty, such person shall for every such offence forfeit and pay ten dollars, and if such arms or accoutrements shall by any of the means aforesaid be lost or rendered useless, such person shall also forfeit and pay the sum of fifteen dollars, and said forfeiture shall be recovered at the instance of any commissioned officer of the division discovering the same, and the amount paid over to the paymaster of his regiment, to be accounted for to the corps when ascertained by which such arms or accoutrements were held for the purpose of replacing or repairing the same.

SEC. 74. *And be it enacted*, That whenever any of the public arms or accoutrements shall within the limits of the said division be found in the possession of any person, except as authorized by this act, the same may be demanded by any commissioned officer, and if refused to be delivered up, on proof of such demand and refusal, before any justice of the peace, said justice shall at the instance of said officer by warrant in the name of the state, cause the person to be brought before him and examine into the facts, and upon its appearing to said justice that the arms or accoutrements so claimed belong to the state, he shall order them to be delivered to said officer, and the person holding them to pay costs, and may if necessary commit said person to prison until said order is complied with, and if he shall decide otherwise, said officer shall pay costs, which shall be re-imbursed out of the fines of the regiment to which he is attached, and the arms or accoutrements so recovered shall be delivered to the commanding officer of the regiment to which said officer belongs, to be delivered to the corps when ascertained by which they were held, and if any officer shall neglect or refuse to comply with the duties required of him by this section, he shall be fined a sum not exceeding twenty dollars, in the discretion of such court martial as the case may require.

Proceedings to recover arms improperly held.

SEC. 75. *And be it enacted*, That the system of tactics, training and discipline adopted, or which may hereafter be adopted by congress for the United States army shall be used and observed throughout the said division, and if any officer shall neglect, or refuse to use, practise and enforce such system in part of the disciplining and training the militia under his command, he shall be cashiered or fined a sum not exceeding one hundred dollars, in the discretion of such court martial as the case may require.

United States discipline adopted.

SEC. 76. *And be it enacted*, That the officer appointing any court martial or other court, created under the provisions of this act may if he deems it necessary, appoint a judge advocate or recorder to such court, who shall have and exercise the powers and duties incident to said appointment.

Judge advocate.