

is originally formed; and the persons so dismissed from the company shall deliver their arms and accoutrements in good order to the commanding officers of the company, and shall be subject to militia duty in the same manner as other citizens above the age of thirty years.

C H A P.
C.

XXIV. AND BE IT ENACTED, That it shall be the duty of every captain, or other commanding officer of a company, to make out a list in writing of all the privates and non-commissioned officers of his company on or before the first of April next, noting in the same the age of every person, and a copy thereof, when so made out, shall return to the lieutenant-colonel of his regiment; and it shall be the duty of the lieutenant-colonel of each regiment, within twenty days after receiving the said lists, to make out a correct list of all the persons between the ages of eighteen and twenty-one years, and between the ages of twenty-one and thirty years, and the said lists, when so made out, shall keep in his possession, to be referred to whenever occasion may require; and the said lieutenant-colonel shall advertise immediately thereafter in eight different places in his district, requiring all persons belonging to his regiment between the ages of twenty-one and thirty years, to assemble at some convenient place, to be by him named, for the purpose of offering themselves as volunteers, or submitting to a draught, to complete the select militia of this state; and the said lieutenant-colonel, on the day fixed, and between the hours of twelve and four of the said day, shall accept such volunteers as may offer themselves for the purposes of this act, and if volunteers sufficient should not offer themselves, the said lieutenant-colonel shall proceed to draught, from the persons between the ages of twenty-one and thirty years belonging to the said regiment, a sufficient number to make up the deficiency, and if no volunteers should offer, the whole number shall be made up by draught.

Captains to make out lists, &c.

XXV. AND BE IT ENACTED, That the extra battalions of each county shall furnish their due proportion of volunteers or draughts for the company or companies, as the case may be, and the majors commanding extra battalions shall have the same powers of receiving volunteers or draughting as are given to the lieutenant-colonel, and if the lieutenant-colonel and major of extra battalions cannot agree on the proportion to be furnished, the brigadier shall proportion the number, and shall also direct to which company or companies they shall belong.

Extra battalions to furnish, &c.

XXVI. AND BE IT ENACTED, That if any person, when called on by the captain, or other commanding officer of his company, shall wilfully conceal his true age, the person so offending shall be fined, at the discretion of a company court-martial, a sum not exceeding five dollars, to be collected and applied as other fines imposed by this act are to be collected and applied.

Penalty for concealing age, &c.

XXVII. AND BE IT ENACTED, That it shall be the duty of every captain, or other commanding officer of a company, when he shall enrol a person in his company who was not before enrolled in his company, to note his age, and if the said person shall be under the age of thirty years, he shall give information thereof to the lieutenant-colonel of the regiment, who shall add the name and age of such person to the proper list to be kept by him as aforesaid; and whenever any person under the age of thirty years shall be legally discharged from a company, the captain, or other commanding officer of the said company, shall notify the same to the lieutenant-colonel, who shall note the same on his list aforesaid.

Captains to note the age of persons enrolled, &c.

XXVIII. AND BE IT ENACTED, That the governor and council shall, within four months after the passage of this act, cause to be delivered to each lieutenant-colonel commanding a regiment in this state, seventy-two muskets, seventy-two bayonets, and seventy-two cartridge boxes, in good order for service, provided the state be in possession of the number required, and the said lieutenant-colonel shall, immediately thereafter, deliver the same to the captain, or other commanding officer of the select company attached to his regiment, to be by him distributed to the privates and non-commissioned officers of his company.

Muskets, &c. to be delivered, &c.

XXIX. AND BE IT ENACTED, That the said lieutenant-colonel shall take from the commissioned officers of each select company a bond to the state, with security, in the penalty of seven hundred and fifty pounds, conditioned for the re-delivery of said arms and accoutrements when thereto required by the governor and council; and if any commissioned officer of such company shall refuse or neglect to execute such bond, such refusal or neglect shall be deemed a resignation of his command in the select company, and the governor and council shall appoint another person to fill the vacancy thus occasioned.

Commissioned officers to give bond, &c.

XXX. AND BE IT ENACTED, That if any private or non-commissioned officer, to whom a musket is delivered in pursuance of this act, shall use the same in hunting, gunning or fowling, or shall not keep his arms and accoutrements clean and in neat order, he shall forfeit and pay not less than one, nor more than ten dollars, at the discretion of the company court-martial; and in case any non-commissioned officer or private shall neglect or refuse to deliver the same to the commanding officer of his company upon his leaving the company, or upon his being thereto required, such private or non-commissioned officer shall forfeit and pay the sum of twenty dollars, and it shall be the duty of every company court-martial to inquire into and punish delinquencies of this kind, in the same manner and at the same times they inquire into and punish other delinquencies.

Penalty for using muskets, &c.

XXXI. AND BE IT ENACTED, That the governor and council shall select, appoint and commission, from among the militia officers of each regiment, one captain, one lieutenant and one ensign, to command the select company.

Governor and council to select officers, &c.

XXXII. AND BE IT ENACTED, That the said select companies shall meet at every regimental and battalion meeting, and on some day in the same months in which other companies of militia are by law ordered to meet, and shall in all respects be subject to the same fines to which the general militia are subject.

Select companies to meet, &c.