

delivered to the sheriff, and the same shall be collected by him, and paid over and applied as other fines are to be collected, paid over and applied, under this act. Ibid. § 3.

4. All officers removing out of the county, or, if a general officer, out of his district, with an intention of making a permanent residence, shall, on such removal, be deemed to have resigned his commission; and it shall be the duty of every officer commanding a regiment, or extra battalion, to make known any vacancy which may take place as soon as convenient after such vacancy shall happen, to the brigadier, or officer commanding the brigade, who is hereby required to report the same to the adjutant-general as soon as may be thereafter. Ibid. § 4.

5. The following articles, rules and regulations, shall be those by which the militia of this state shall be governed.

ART. 1. If any field or other commissioned officer, at any regimental, battalion or company meeting, or any other occasion when the regiment, battalion or company, to which he may belong, or in which he holds a command, is paraded, shall appear, misbehave, or demean himself in an unofficer like manner, he shall, for such offence, be cashiered, or punished by fine, at the discretion of a court-martial, as the case may require, in any sum not exceeding fifty dollars, nor less than five dollars; that for offences against the militia law of this state, all company officers shall be tried by a regimental court-martial, but in cases of cashiering, they may have an appeal to a brigade court-martial; all field and staff officers shall be tried by a brigade court-martial, and all general officers shall be tried by a division or general court-martial; and that the proceedings of every court-martial, in case of sentence for cashiering, be transmitted to the commander in chief to approve or disapprove of; and if any non-commissioned officer or private shall, on any occasion of parading the company to which he belongs, appear drunk, or shall disobey orders, or use any reproachful or abusive language to his officers, or any of them, or shall quarrel himself, or promote any quarrel among his fellow soldiers, he shall be disarmed, and put under guard, by order of the commanding officer present, until the company is dismissed, and shall be fined, at the discretion of the company court-martial, in any sum not exceeding twenty dollars nor less than seventy-five cents.

ART. 2. If the lieutenant-colonel or commanding officer of any regiment, battalion or extra battalion, shall neglect or refuse to give orders for assembling his regiment, battalion or extra battalion, at the times appointed by law, at the direction of the inspector of the brigade to which he belongs, when the inspector is thereto commanded, or in case of an invasion of the state, he shall be cashiered, or punished by fine, not exceeding two hundred dollars, nor less than twenty dollars, at the discretion of a brigade court-martial; and if the commanding officer of any company shall, on any such occasion, neglect or refuse to give orders for assembling the company to which he belongs, or any part thereof at the direction of the lieutenant-colonel or commanding officer of the regiment, battalion or extra battalion, to which such company belongs, he shall be cashiered, or punished by fine, not exceeding one hundred dollars, nor less than ten dollars, at the discretion of a regimental court-martial; and a non-commissioned officer offending in such case shall be fined, at the discretion of a company court-martial, in any sum not exceeding twenty dollars, nor less than five dollars.

ART. 3. If any captain or commanding officer of a company shall refuse or neglect to make a list of the persons noticed to perform any tour of duty, and send or convey the same to the lieutenant-colonel or commanding officer of the regiment or extra battalion to which such company may belong, for such neglect or refusal he shall be cashiered, or fined, at the discretion of a regimental court-martial, in any sum not exceeding one hundred dollars, nor less than ten dollars.

ART. 4. Every general court-martial shall consist of thirteen members, one of whom at least shall be a general officer, and none under the grade of a field-officer.

ART. 5. Every division court-martial shall consist of thirteen members, two thirds of which at least to be field-officers.

ART. 6. Every brigade court-martial shall consist of thirteen members, all of whom shall be commissioned officers, and of such rank as the case may require.

ART. 7.