

'be considered a soldier, and when called into actual service, by the express command of the Governor, shall be entitled, and then only, to the same pay and rations as if he were in the service of the "United States."

This provision appears to be applicable to time of war, or to a general draught of the militia for a tour of duty, and not to a sudden call for the suppression of a riot. It was never intended to fix the rate of compensation for men called out for some special purpose, by order of the executive, and to make no provision for those, who might be ordered upon the same service by their commanding officers, under the requisitions of justices of the peace. If, however, this section of the law applied to such a case, I should have no power to pay the troops employed in such service, without an appropriation for that purpose. In similar cases, special acts have been passed for the payment of the militia, and it will be necessary now, to keep an account of the time each ^{man} is in actual service, and of the expenses necessarily incurred in quelling the disturbance; and there is no doubt that it will be allowed by the Legislature.

Every man whether belonging to the militia or not, when called upon by the proper authority is bound to assist in preserving the public peace without waiting to enquire how he is to be paid for his services.

My letter of the 18th instant contained an order for calling out the necessary military force, because you deemed it advisable, and because the requisition from Alleghany county was defective, in having the signatures of two justices of the peace instead of three which the law requires.

It is of great importance to quell every disturbance on the canal as soon as it breaks out and to prevent its recurrence by arresting all who are actively concerned in it. A riot of any extent cannot be quelled without the aid of the military, but the punishment of the rioters, after they are arrested, depends upon the civil authorities.

There is no doubt that the principal offenders will be prosecuted according to law and that the canal company will dismiss from its employment all those who have manifested a disposition to attack their fellow-labourers.

But after these steps shall have been taken, and every precautionary measure adopted; disturbances may still arise; and in every instance of opposition to the laws, or threatened opposition, it will be the duty of the commanding officers to order out the militia upon the requisition of the civil authorities.

Whether it is proper to station a military force permanently on the line of the canal is very doubtful. The act of Assembly referred to, does not appear to contemplate any permanent location of the militia for the purpose of preventing mobs or riots. If, however, after a riot is suppressed, there