

Preble County Democrat.

L. G. GOULD, Editor and Proprietor.

"PLEDGED BUT TO TRUTH, TO LIBERTY AND LAW."

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NUMBER XVII.

LAWS OF OHIO.

PUBLISHED BY AUTHORITY.

[No. 58.] AN ACT

To organize and discipline the Militia and volunteer Militia.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That all able-bodied, white male citizens, resident of this State, being eighteen years of age, and under the age of forty-five years, excepting persons exempt by law, shall be enrolled in the militia, and perform military duty in such manner, not incompatible with the Constitution and laws of the United States, as hereinafter prescribed.

MILITIA DIVISION.

SEC. 2. That the militia of this State shall be organized into divisions as follows, viz:

The county of Hamilton shall form the first division.

The counties of Butler, Warren, Montgomery and Preble, shall form the second division.

The counties of Dark, Miami and Shelby, shall form the third division.

The counties of Mercer, Auglaize, Allen, Van Wert and Putnam, shall form the fourth division.

The counties of Paulding, Defiance, Williams, Fulton, Henry and Lucas shall form the fifth division.

The counties of Wood, Ottawa, Sandusky and Seneca, shall form the sixth division.

The counties of Hancock, Wyandott, Crawford, Marion and Hardin, shall form the seventh division.

The counties of Logan, Union, Champaign, Clark and Madison, shall form the eighth division.

The counties of Green, Fayette, Clinton and Highland, shall form the ninth division.

The counties of Clermont, Brown and Adams, shall form the tenth division.

The counties of Ross, Pike, Scioto, Lawrence, and Jackson, shall form the eleventh division.

The counties of Gallia, Meigs, Athens, Vinton and Hocking, shall form the twelfth division.

The counties of Franklin, Pickaway and Adams, shall form the thirteenth division.

The counties of Licking, Muskingum and Perry, shall form the fourteenth division.

The counties of Delaware, Knox and Morrow, shall form the fifteenth division.

The counties of Richland, Ashland and Wayne, shall form the sixteenth division.

The counties of Huron, Erie, Lorain and Medina, shall form the seventeenth division.

The counties of Cuyahoga, Summit and Portage, shall form the eighteenth division.

The counties of Lake, Geauga, Ashland and Trumbull, shall form the nineteenth division.

The counties of Mahoning, Columbiana, Stark and Carroll, shall form the twentieth division.

The counties of Holmes, Coshocton and Tuscarawas, shall form the twenty-first division.

The counties of Jefferson, Harrison and Belmont, shall form the twenty-second division.

The counties of Washington, Morgan, Monroe, Noble and Guernsey, shall form the twenty-third division.

BRIGADES.

SEC. 3. That the divisions aforesaid shall be divided into brigades as follows: In the county of Hamilton, in the first division, the township of Crosby, White-water, Miami, Store, Colerain, Delhi and Union, shall form the first brigade; the townships of Anderson, Millicreek, Springfield, Sycamore, Summes, Columbia, Spencer and Fulton, shall form the second brigade; and the city of Cincinnati shall form the third brigade; Provided, That the Major General or commandant of the first division, shall have power to call to his aid any number of the commissioned officers of said division: And provided further, That each county, except the county of Hamilton shall be a distinct brigade, to be numbered in each division in the order in which they are mentioned in section second.

STATE AUDITOR TO NOTIFY COUNTY AUDITORS.

SEC. 4. The Auditor of this State shall, by order of the commander-in-chief, issue his order to all of the county Auditors of the several counties, requiring them to instruct the assessors of the several townships to perform all the duties required of them by this act, which order shall be given in one or more newspapers, published in each brigade or county, and if there be no newspaper published in each county, then to be published in any adjoining county, belonging to the same division, and to be paid for as other public printing of a like manner.

ENROLLED MILITIA.

SEC. 5. That it shall be the duty of the township assessors of the several townships, and the assessors of the several wards of the several cities, to prepare a list of all persons liable to be enrolled as aforesaid, in their respective wards, townships or districts, save and except members of uniform volunteer companies. Township, ward or district assessors as aforesaid, shall annually, at the time of assessing taxable property, make out a roll, or list, of all names of persons enrolled as aforesaid, and place

it in the Auditor's office of the proper county; and it shall be the duty of such Auditor annually, on or before the first day of November, to return an accurate copy of such records of enrollment, to the Adjutant General of the State, to be by him filed in his office, and an abstract of the aggregate number of persons so returned, shall be forwarded by the Adjutant General of the State, to the War Department at Washington City, on or before the first day of January of each year. And if any assessor shall neglect, or from any cause omit to permit his duties, the other assessor, or either of them, of the city, town or ward, shall perform such duties. All tavern keepers, keepers of boarding houses, persons having boarders in their families and every master and mistress of any dwelling house shall, upon the application of any assessor, give information of the names of all persons residing or lodging in such house liable to be enrolled, and all other proper information concerning such persons as such assessor may demand. If any person of whom information is required by any assessor, in order to enable him to comply with the provisions of this act, shall refuse to give such information, or shall give false information, he shall forfeit and pay not more than ten dollars for each offence. Any person who shall refuse to give his own name and proper information when applied to by any assessor, or shall give a false name or information, such person shall pay a like sum; such penalties to be recovered in any court of competent jurisdiction, in the name of the State of Ohio; and it is hereby made the duty of the assessors to report the names of all persons who may incur any penalty in this section prescribed, to the commandant of the brigade in which they reside; all moneys collected under the provisions of this act, shall be paid to the county Treasurer.

ASSESSORS TO BE COMPENSATED.

SEC. 6. That the assessors shall be compensated for their services in making the enrollment required by this article at the same rate, and in like manner as they are compensated for making the annual assessments of property.

ENROLLMENT OF MILITIA.

SEC. 7. That the active militia of this State shall be composed of volunteer companies, raised by order of the commandant of brigade within the limits of the several brigade districts. The volunteer militia shall, in all cases of war, invasion, riot, or insurrection, be the first military force ordered into the field. The militia companies shall consist of men between the ages of 18 and 45; Provided, That no minor shall be enrolled as a member of any such volunteer company, without the consent of his parent or guardian; and that all volunteer companies, squadrons, battalions, regiments, brigades and divisions, now formed and officered according to law, shall be retained, whenever according to the provisions of this act, forty men shall be enrolled as members of a volunteer company of cavalry, such persons may proceed to the election of company officers in the mode prescribed by section fifty-seven (57) of this act. No such company shall be increased to more than a hundred members, and whenever a company becomes reduced to less than twenty members, it may be attached to another company, or disbanded by order of the commandant of brigade; Provided, That whenever twenty men shall be enrolled as members of a light artillery company, they may proceed to the election of company officers, when two such light artillery companies are organized in any brigade, they may be formed into a battalion, under the command of a Major, and such subordinate officers as the commandant of brigade shall direct, and whenever three such companies of light artillery are organized in any brigade, they may be formed into a battalion under the command of a Lieutenant Colonel and Major, with such other subordinate officers as the commandant of brigade shall direct; and when five such light artillery companies exist in any one brigade, they may, by order of the Brigadier General be formed and organized into a regiment, with a full complement of regimental and company officers, and when organized, shall be armed and drilled as near as practicable, in accordance with the system of the United States army for like organizations.

COMPANIES TO BE NUMBERED.

SEC. 8. The several volunteer companies of cavalry, artillery, infantry, light infantry and rifle-men in each brigade, shall be numbered by the proposer or commandant of brigade, and a record made of such numbers in his office, and when they exist in sufficient numbers, and are conveniently located for the purpose, shall be organized into battalions and regiments, and officered as provided by law. And in all cases of the same description of arm the oldest organized uniform company first commissioned, shall be first and senior in rank, the next oldest uniform company commissioned, second in rank, and so on to the junior organized and commissioned company, dating from the first commission issued to officers of the company.

REGIMENTS, &c.

SEC. 9. Whenever there are not less than three nor more than six volunteer or independent companies of infantry, light infantry, or rifle, of any one description, within the bounds of any brigade, the commandant thereof may organize such companies into a battalion, under the command of a Lieutenant Colonel and Major, with all the staff officers necessary to a regiment or battalion, as provided for by this act; Provided, also, that whenever there are over five, and under eleven companies of any description, as above provided, within the bounds of any brigade, the commandant shall organize the same into a full regiment, commanded by a Colonel, Lieutenant and Major, and a full staff, and whenever there are over ten companies in any one brigade as heretofore provided, the commandant of brigade may organize them into battalions or regiments, or both, if there is a sufficient number of companies so to do, and whenever there are not less than two, nor more than four companies of artillery or cavalry; the commandant of brigade may organize them, if artillery, into a battalion, and if cavalry, into a squadron, under the command of a Lieutenant Colonel and Major, and a full staff of staff officers as is provided for a regiment by this act; and whenever there are four or more companies of artillery or cavalry in any one brigade, the commandant of said brigade shall organize them into regiments; and whenever there are over five companies of artillery and cavalry, the commandant of said brigade may organize the artillery into battalions or regiments, or both, if there is a sufficient number of companies, and may organize the cavalry into squadrons or regiments or both, as he may think proper and right—being governed by the number of companies, of any one description in his brigade in all cases.

OFFICERS TO MAKE RETURNS—WHEN AND WHAT TO BE RETURNED.

SEC. 10. That every commandant of any volunteer or independent company shall make a return of all non-commissioned officers, musicians and privates under his command, belonging to his company—and all the arms and accoutrements belonging thereto, to the commandant of his regiment, squadron or battalion, but if his company does not form a part of any regiment, squadron or battalion, then he shall make return to the commandant of his brigade; but in either case, shall make his return on or before the first day of August in each year, and the commandants of each and every regiment, squadron or battalion, shall make return to the commandants of brigades, on or before the first day of September, annually; and the commandants of divisions, on or before the first day of October annually; and the commandants of divisions to the Adjutant General, on or before the first day of November in each year. All commandants named in this act shall make return of all commissioned and staff officers, non-commissioned staff officers—all members of volunteer or independent companies; all arms and accoutrements belonging to, or in possession of their commands; and all such returns shall be preserved by the Adjutant General in a book of records in his office, and an abstract thereof, showing the number of the uniform volunteer militia, or active militia of the war, shall be by him forwarded to the war department at Washington City, at the same time that the returns of the uniformed or enrolled militia are forwarded, as heretofore provided.

VOLUNTEER COMPANIES HELD TO FIVE YEARS.

SEC. 11. Every non-commissioned officer and soldier of any volunteer company, shall be held to duty therein for five years, unless some absolute disability shall occur after forming such company, or shall be discharged by the proposer or commander of such company, or by the Adjutant General, after serving similar term, in conformity with the provisions of this act, shall be entitled to a certificate of such service; and such certificate shall be given to all such persons under the rank of Brigadier General, by Generals of brigade, and if there be no Brigadier, by officers of any grade in command, and to all other officers by commandant of division, and the holders of such certificates shall be exempt from military duty in time of peace; and all members of volunteer companies now organized under the provisions of this act, shall while a member of such company, be exempt from labor on the public highways of this State and service on juries; Provided, that if any officer or person shall knowingly grant, issue or use any illegal certificate under the provisions of this act, such officer or person shall be deemed guilty of misdemeanor, and subject to pay a penalty in amount not less than ten nor more than one hundred dollars, for each offence, to be collected before any court having competent jurisdiction, and when collected, to be paid into the military fund, in the county where the offence was committed.

(CONSTITUTION AND BY-LAWS.)

SEC. 12. Each volunteer company organized under the provisions of this act may adopt such a constitution and by-laws as a majority of all the members of such company may approve; which shall be binding on all who sign the same; and when any fines are assessed by reason of any infraction of such constitution and by-laws, such company may have process before any court of competent jurisdiction in the name of the State for the use of such company, and prosecute to final judgment and execution, all such fines as shall be assessed by such constitution or by-laws; Provided, that said constitution and by-laws are not inconsistent with this act, or the constitution of the United States and of this State; Provided, also, that in no case will the State pay any costs of such prosecution.

SEC. 13. That all military commissions issued, except the Quartermaster General, Adjutant General, Paymaster General, and aid-de-camp to the commander-in-chief, shall expire in five years from the date thereof; Provided, that any officer holding a commission under the provisions of this act, who may be re-elected to the same office, shall retain the same rank as he was entitled to under his former commission; Provided, also, that no person shall be re-elected to a commission after he may arrive at the age of forty-five years; and, further provided, that every officer who shall remove out of the limits of his command, or who shall leave his command six months or more before the expiration of his term, shall be considered as having vacated his office, and a new election shall be held without delay to fill the vacancy so created; Provided, that nothing in this act shall be construed or understood as to prevent any appointed officer from being removed from his office, whenever in the opinion of the officer appointing him, he shall deem it advisable so to remove him.

UNIFORM.

SEC. 14. That the uniform of all companies, now organized or hereafter to be organized, and officers to be hereafter commissioned, shall correspond and conform to the uniform prescribed by the present regulations of the United States army, except the coat of arms, which shall be that of the State of Ohio; Provided, companies now organized and uniformed, and officers now uniformed, shall be privileged to retain their present uniform for the period of five years from and after the passage of this act, and until the expiration of such term, shall uniform themselves within four months from the date of his or their commissions, and every non-commissioned staff officer shall uniform himself within four months from the date of his appointment, and every member of any volunteer or independent company shall uniform himself within four months from the date of the organization of such company, or from the date when he attached himself to such company.

MAJOR GENERAL MAY ORGANIZE COMPANIES.

SEC. 15. That whenever there is no Brigadier General in any brigade, the Major General of said division shall discharge the duties of Brigadier General, as far as may be practicable, by giving orders to raise volunteer or independent companies, and organizing them into regiments, squadrons or battalions; Provided, when any Brigadier or Major General issues an order to raise any volunteer or independent company, said General may confine the raising of such company to be raised within the bounds of any city or ward or wards, towns or townships, which may be within the bounds of any brigade.

UNIFORM COMPLETE.

SEC. 16. Every officer of the line and staff, and every officer and soldier of any volunteer company, shall provide himself with a uniform complete, as required by law, and each commissioned officer shall also provide himself with a suitable sword, and the arms and equipments of the officers and soldiers shall be held by them free from any and all process whatever, issued in any civil case, and every member of a volunteer or independent company, and every commissioned and non-commissioned officer, while serving as such, shall be free from arrest on any civil process, while going to, and during the time while attending and returning home from any muster or parade; Provided, however, that such member of any volunteer company or commissioned officer shall only have reasonable time going to and returning home from such muster or parade.

FINES.

SEC. 17. Every non-commissioned officer, musician and private, who shall refuse to appear fully armed and equipped on any day of muster required by this act, shall for every such refusal or neglect, pay the sum of one dollar for each company muster, and two dollars for each day's brigade or encampment muster.

ASSESSMENT OF FINES BY COMPANY OFFICERS.

SEC. 18. It shall be the duty of the commandant of each volunteer company, together with the commissioned officers of his company, within ten days after each day's company muster required by this act; Provided, in their opinion, such delinquent should be fined, to make out a list of delinquents, particularly noting therein the fines assessed on such member of his company, and for what cause; a copy of which list shall forthwith be returned to a Justice of the Peace of the proper township; such Justice on receiving such list, shall forthwith issue a summons against such delinquent named in such list, naming a day, not more than eight, nor less than three days from the date of such summons, in which the defendant shall appear at the place named in such summons, before said Justice, and defend, and in default of an appearance, in person or by agent, or counsel, and a showing of alleged defense, such Justice shall render a judgment in the name of the State for the use of such company, for the amount shown by such list to have been assessed against such delinquent, and the commandant of company shall call the commissioned officers of his company together, within five days after each company muster, for the purpose of assessing the aforesaid fines; Provided, that all persons feeling themselves aggrieved by the decision of such Justice, shall have the right to appeal, as in other cases; all such fines to be paid over to the county Treasurer, and to go into the military fund.

AMOUNT OF FINES TO BE ASSESSED UPON OFFICERS.

SEC. 19. That the following shall be the amount of fines to be imposed upon all general officers, Colonels, Lieutenants, Majors, Captains, Lieutenants, and non-commissioned staff officers, for refusing or neglecting to discharge any of the duties enjoined on them by the provisions of this act, and for refusing to obey any order of their superior officers, which fine or penalty shall apply to all commissioned staff officers of the same rank of other commissioned officers, which staff officers who have violated the provisions of this act, shall be dealt with as other officers; a fine on any non-commissioned staff officer to be not less than three dollars, nor over thirty dollars; a fine on any Lieutenant to be not less than four dollars nor over forty dollars; a fine on any Captain to be not less than five dollars nor over fifty dollars; a fine on a Major to be not less than eight dollars nor over eighty dollars; a fine on a Lieutenant Colonel to be not less than nine dollars nor over ninety dollars; a fine on a Colonel to be not less than ten dollars nor over one hundred dollars; all of said fines to be assessed, or imposed by a brigade court, or court martial, as the case may be, and to be collected as herein provided for, and any non-commissioned staff officers, under the provisions of this act, shall be collected before any Justice of Peace, in whose township such delinquent may reside, and all such suits shall be brought in the name of the State of Ohio, for the use of the brigade in which such fines were assessed or imposed, and all sums under one hundred dollars shall be collected before a Justice of the Peace, collected before or imposed for one hundred dollars or more, shall be collected before any court having competent jurisdiction, as other like suits, to be collected by the brigade inspector, or any other brigade staff officer, that the commandant of brigade may designate; That suits commenced by the brigade inspector, or other brigade staff officer, shall be for the collection of fines on commissioned and staff officers of his own brigade; Provided, also, That when any fine or fines are imposed by any court-martial, according to the provisions of this act, it shall be the duty of the President of said court to cause said fine or fines to be collected, as fines assessed or imposed by brigade courts on any Brigadier General, shall not be less than fifteen dollars, nor over one hundred and fifty dollars, to be collected by the Major General or commandant of division; Provided, Said fine is not imposed by any court martial, and when any Major General shall be fined, it shall not be less than twenty dollars, nor over two hundred dollars to be collected by the commander in chief; Provided, also, That all fines collected by a Major General, or the commander in-chief, shall be collected agreeable to the foregoing provisions of this act, and all fines collected under the provisions of this act, shall go into the military fund belonging to the several brigades, and all suits brought for the collection of fines under the provisions of this act, shall not prove nor refer back to any later date than the date of such delinquency; Provided, however, That

FINES IMPOSED BY ANY COURT MARTIAL, SHALL BE COLLECTED IMMEDIATELY AFTER JUDGMENT IS RENDERED FOR THE SAME, AND NO STAY OF EXECUTION SHALL BE ALLOWED, BUT ON THE CONTRARY, THE PROCEEDINGS OF THE COURT MARTIAL, SHOWING THE STATE OF THE CASE, AND SUCH OFFICER NAMED TO HAVE BEEN FINED, WHICH PROCEEDING, WHEN ATTACHED AND SIGNED BY THE PRESIDENT OF SAID COURT, SHALL ENTITLED THE PERSON PROSECUTING THE SAME TO A JUDGMENT IN FAVOR OF HIS BRIGADE, OR THE STATE OF OHIO, AS THE CASE MAY BE; THE PROCEEDINGS OF ANY COURT MARTIALS ATTACHED AS REQUIRED BY THIS ACT, SHALL SERVE IN ALL COURTS OF JUSTICE AS A TRANSCRIPT FROM AND ANY OTHER LOOK-UPS SUCH COURTS SHALL RENDER JUDGMENT FORTHWITH, AND ISSUE EXECUTION ACCORDINGLY.

FINES &c., FOR DISTURBING MUSTERS.

SEC. 20. If any non-commissioned officer, musician, private, bystander or spectator, at any officer, regimental, squadron, battalion, or company muster or parade, or a meeting of officers authorized or required by this act, shall molest any officer or soldier, when on duty, the commanding officer may order and require such person or persons to be put under guard for any time, not exceeding six hours, and such non-commissioned officer, musician or private, may moreover be returned by such commanding officer to the next brigade court of inquiry for the assessment of fines, and may be fined in any sum not less than five nor more than ten dollars, which fine shall be collected and applied as other fines under the provisions of this act, or any officer or soldier appointed as a guard, or placed upon duty as a sentinel at any muster, parade or encampment held under the provisions of this act, is hereby authorized and required to discharge that duty, maintain the muster, parade or encampment, by using such force as will be necessary and sufficient to effect the same.

FINES AGAINST MINORS AND OTHERS.

SEC. 21. All property held in common by any association or associations of persons, whose tenets or rules require a community of property, shall be holden for the payment of any and all fines assessed under the provisions of this act, against any member or members of such associations, for the non-performance of military duty, and in all cases a father shall be bound for his son, guardian for his ward, and master for his apprentice, under the provisions of this act, for all fines against minors.

FINES AND CIVIL AUTHORITIES.

SEC. 22. That in all cases where fines or penalties are incurred or assessed in accordance with the provisions of this act, the company, squadron, battalion, or regiment, brigade or court martial, by whom the same are assessed, or incurred, shall have process from any court of this State within the proper county and of competent jurisdiction to enforce the same to final judgment and execution, and in all cases the records of such company, regiment, brigade or court martial, shall be produced as prima facie evidence, and in all cases, the defendant on trial may prove, in evidence any irregularity, in the assessing of such fines, or any other lawful matter of defense not reaching back of the organization of such company, or the enrollment of the defendant.

COSTS—HOW PAID.

SEC. 23. All costs made by virtue of any suit brought to recover fines of any description, where the State is the plaintiff, shall be paid out of the military fund of the brigade or brigades, if any more than one brigade is interested in such suit.

POWER OF SHERIFFS AND MAYORS IN RIOTS, &c.

SEC. 24. That in all cases of riot or insurrection, if any commandant of an independent or volunteer company, or any commandant of a squadron, battalion, regiment, brigade or division, shall refuse or neglect to appear with such military force at the time and place as the proper Sheriff of the county, or Mayor of the city shall direct, such officer shall be fined in any sum not exceeding one hundred dollars, nor less than ten dollars, on complaint of said Sheriff or Mayor, before any court having competent jurisdiction; and every non-commissioned officer, musician or private, who may refuse or neglect to turn out and appear as proper officer of his brigade, shall pay immediately upon being notified by him in any sum not exceeding ten dollars, to be collected as herein provided; the aforesaid fines when collected, shall go into the military fund; Provided, That in all cases of demand or requisition for military force by the Sheriff or Mayor, it shall be by application to the superior commissioned officer in rank at the time present in the city, town or county where such service is required.

COMMANDANTS TO CALL OUT TROOPS.

SEC. 25. Commandants of divisions, brigades, regiments, battalions, squadrons or companies, shall have power and are hereby required to call out their respective commands for the suppression of riots, or to assist civil officers in the execution of the laws, when called upon to do so by the proper authorities, and such calls shall be obeyed, and the provisions of this act, shall go into the military fund belonging to the several brigades, and all suits brought for the collection of fines under the provisions of this act, shall not prove nor refer back to any later date than the date of such delinquency; Provided, however, That

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SEC. 22. That in all cases where fines or penalties are incurred or assessed in accordance with the provisions of this act, the company, squadron, battalion, or regiment, brigade or court martial, by whom the same are assessed, or incurred, shall have process from any court of this State within the proper county and of competent jurisdiction to enforce the same to final judgment and execution, and in all cases the records of such company, regiment, brigade or court martial, shall be produced as prima facie evidence, and in all cases, the defendant on trial may prove, in evidence any irregularity, in the assessing of such fines, or any other lawful matter of defense not reaching back of the organization of such company, or the enrollment of the defendant.

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FINES IMPOSED BY ANY COURT MARTIAL, SHALL BE COLLECTED IMMEDIATELY AFTER JUDGMENT IS RENDERED FOR THE SAME, AND NO STAY OF EXECUTION SHALL BE ALLOWED, BUT ON THE CONTRARY, THE PROCEEDINGS OF THE COURT MARTIAL, SHOWING THE STATE OF THE CASE, AND SUCH OFFICER NAMED TO HAVE BEEN FINED, WHICH PROCEEDING, WHEN ATTACHED AND SIGNED BY THE PRESIDENT OF SAID COURT, SHALL ENTITLED THE PERSON PROSECUTING THE SAME TO A JUDGMENT IN FAVOR OF HIS BRIGADE, OR THE STATE OF OHIO, AS THE CASE MAY BE; THE PROCEEDINGS OF ANY COURT MARTIALS ATTACHED AS REQUIRED BY THIS ACT, SHALL SERVE IN ALL COURTS OF JUSTICE AS A TRANSCRIPT FROM AND ANY OTHER LOOK-UPS SUCH COURTS SHALL RENDER JUDGMENT FORTHWITH, AND ISSUE EXECUTION ACCORDINGLY.

FINES &c., FOR DISTURBING MUSTERS.

SEC. 20. If any non-commissioned officer, musician, private, bystander or spectator, at any officer, regimental, squadron, battalion, or company muster or parade, or a meeting of officers authorized or required by this act, shall molest any officer or soldier, when on duty, the commanding officer may order and require such person or persons to be put under guard for any time, not exceeding six hours, and such non-commissioned officer, musician or private, may moreover be returned by such commanding officer to the next brigade court of inquiry for the assessment of fines, and may be fined in any sum not less than five nor more than ten dollars, which fine shall be collected and applied as other fines under the provisions of this act, or any officer or soldier appointed as a guard, or placed upon duty as a sentinel at any muster, parade or encampment held under the provisions of this act, is hereby authorized and required to discharge that duty, maintain the muster, parade or encampment, by using such force as will be necessary and sufficient to effect the same.

FINES AGAINST MINORS AND OTHERS.

SEC. 21. All property held in common by any association or associations of persons, whose tenets or rules require a community of property, shall be holden for the payment of any and all fines assessed under the provisions of this act, against any member or members of such associations, for the non-performance of military duty, and in all cases a father shall be bound for his son, guardian for his ward, and master for his apprentice, under the provisions of this act, for all fines against minors.

FINES AND CIVIL AUTHORITIES.

SEC. 22. That in all cases where fines or penalties are incurred or assessed in accordance with the provisions of this act, the company, squadron, battalion, or regiment, brigade or court martial, by whom the same are assessed, or incurred, shall have process from any court of this State within the proper county and of competent jurisdiction to enforce the same to final judgment and execution, and in all cases the records of such company, regiment, brigade or court martial, shall be produced as prima facie evidence, and in all cases, the defendant on trial may prove, in evidence any irregularity, in the assessing of such fines, or any other lawful matter of defense not reaching back of the organization of such company, or the enrollment of the defendant.

COSTS—HOW PAID.

SEC. 23. All costs made by virtue of any suit brought to recover fines of any description, where the State is the plaintiff, shall be paid out of the military fund of the brigade or brigades, if any more than one brigade is interested in such suit.

POWER OF SHERIFFS AND MAYORS IN RIOTS, &c.

SEC. 24. That in all cases of riot or insurrection, if any commandant of an independent or volunteer company, or any commandant of a squadron, battalion, regiment, brigade or division, shall refuse or neglect to appear with such military force at the time and place as the proper Sheriff of the county, or Mayor of the city shall direct, such officer shall be fined in any sum not exceeding one hundred dollars, nor less than ten dollars, on complaint of said Sheriff or Mayor, before any court having competent jurisdiction; and every non-commissioned officer, musician or private, who may refuse or neglect to turn out and appear as proper officer of his brigade, shall pay immediately upon being notified by him in any sum not exceeding ten dollars, to be collected as herein provided; the aforesaid fines when collected, shall go into the military fund; Provided, That in all cases of demand or requisition for military force by the Sheriff or Mayor, it shall be by application to the superior commissioned officer in rank at the time present in the city, town or county where such service is required.

COMMANDANTS TO CALL OUT TROOPS.

SEC. 25. Commandants of divisions, brigades, regiments, battalions, squadrons or companies, shall have power and are hereby required to call out their respective commands for the suppression of riots, or to assist civil officers in the execution of the laws, when called upon to do so by the proper authorities, and such calls shall be obeyed, and the provisions of this act, shall go into the military fund belonging to the several brigades, and all suits brought for the collection of fines under the provisions of this act, shall not prove nor refer back to any later date than the date of such delinquency; Provided, however, That

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