

347.

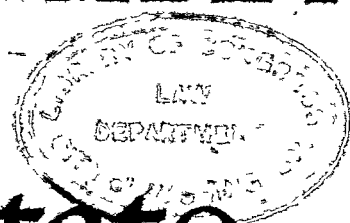
# A C T S

OF THE

GENERAL ASSEMBLY

OF THE

## Delaware State,



At a SESSION begun at D O V E R on  
the Twentieth Day of *October* 1781,  
and continued by Adjournments:

Being their Sixth SESSION.



W I L M I N G T O N,

Printed by JAMES ADAMS, M,DCC,LXXXII.

*An Act to remedy Defects that have arisen in the Execution of a  
 An Act of assembly, entitled, "An Act for embodying a Regiment of  
 Militia of this State, for the Purpose of reinforcing the Army of the United  
 States" — passed Feb. 5. 1782. — Omitted*

369.

## Anno Millesimo Septingentesimo Octogesimo secundo.

*An A C T for establishing a Militia within this State.*

1. **W**HEREAS a well regulated Militia is the proper and natural Defence of a free State, and as the Laws heretofore made for the Regulation thereof, are found to be inadequate to the good Purposes thereby intended, *Be it therefore Enacted by the General Assembly of Delaware, and it is hereby Enacted by the Authority of the same,* That the late Lieutenants and Sub-Lieutenants in each County of this State, shall, and they are hereby directed, within one Month from the passing of this Act, to deliver to the Colonel, or Commanding Officer of each Battalion in his County, a true Transcript from his Book, as far as relates to the District or Division for such Battalion respectively, and the Sub-Divisions for Companies therein, and the Descriptions of such Sub-Divisions: Whereupon the Colonel, or Commanding Officer of each Battalion shall deliver a Description of each Sub-Division respectively to the Captain or Commanding Officer of that Sub-Division or Company, who, in the Month of *April*, in every Year, shall make an exact Return to the said Colonel or Commanding Officer of the Battalion, of the Names and Surnames of every able-bodied effective Male white Inhabitant between the Ages of eighteen and fifty Years, then residing in his Sub-Division, and what Arms and Accoutrements each Man, mentioning him, is possessed of; a Copy of which Return the said Colonel or Commanding Officer shall immediately transmit to the President or Commander in Chief.

Preamble.

The late Lieutenants and Sub Lieutenants to deliver Descriptions of Battalion and Company-Districts, &c.

Captains to make annual Returns of Arms, &c.

Copies whereof to be transmitted to the President.

2. *And be it Enacted,* That the President or Commander in Chief, in Case of the Vacancy of the Place of a Colonel in any of the Regiments of Militia of the State, may and shall issue a Commission of Lieutenant-Colonel Commandant of the Regiment in which such Vacancy is, or may happen, to the Lieutenant-Colonel of such Regiment; and in Case of the Vacancy of the Place of Lieutenant-Colonel or Major of any Regiment, or of the Place of Captain, Lieutenant or Ensign of any Company of a Regiment, that the President or Commander in Chief

Vacancies in the Military Line, how supplied.

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may

may and shall appoint such Person, as he shall judge most suitable to fill such Vacancy, and issue a Commission to him accordingly.

Quarter-Masters, &c. how appointed.

Serjeants, &c. how.

Penalty for neglecting to serve.

3. *And be it Enacted*, That the Field Officers of each Battalion shall appoint a Quarter-Master, and Adjutant, a Drum and a Fife-Major, for the Battalion, and the commissioned Officers of each Company shall appoint four Serjeants, four Corporals, one Drum and one Fife, for their respective Companies, every of whom, not being one of the People called Quakers, shall severally serve for one Year, in the respective Stations to which they may be so appointed, under the Penalty of Three Pounds, to be recovered and applied as Fines and Forfeitures under Five Pounds are herein after directed to be recovered and applied.

Militia to be divided into Classes.

4. *And be it Enacted*, That in the Month of *April* next ensuing, the Captain or Commanding Officer of each Company shall call the Persons enrolled therein together, giving due Notice, and shall divide them into eight Classes, as nearly equal in Number to each other, as conveniently may be, allotting a Serjeant or a Corporal on the Roll to each Class, and eight Slips of Paper numbered respectively from one to eight being prepared, every Private shall determine, by drawing a Ballot, what Class he is to serve in; and in Case any of the Persons enrolled as aforesaid, shall neglect to attend at the Time and Place appointed for classing the said Company, or if present, shall refuse to draw as aforesaid, then the said Captain or Commanding Officer thereof shall appoint one disinterested Freeholder, to draw for the Absentees or Persons so refusing; and when the Classes shall be so settled, the Captain or Commanding Officer of each Company shall form a Roll consisting of the eight Classes, and the Names and Surnames of the Men in each Class, numbered according to the Order of Ballotting, which he shall keep for his own Use and Direction, transmitting forthwith a Copy thereof, with a List of his commissioned and non-commissioned Officers prefixed, to the Colonel or Commanding Officer of the Battalion, who shall enter the same in his Book: And the said Captain or Commanding Officer shall in the Month of *April*, in the Year of our Lord One Thousand Seven Hundred and Eighty-three, and in the Month of *April* in every succeeding Year, add to the said Roll the Names and Surnames of all such Male white Inhabitants between the Ages aforesaid, who in the next preceding twelve Months have removed to and are then residing in that Sub-Division, or have therein attained to the Age of eighteen Years, except as herein after are excepted, annexing them respectively to such Class or

Rolls thereof to be formed, and transmitted to the Colonel.

Classes as may still render all the Classes of a Company as nearly equal in Number to each other as conveniently may be.

5. *And be it Enacted*, That every Company shall be duly exercised and instructed once in every Month, except the Months of *July*, *January* and *February*, at such Time and Place as the Captain or Commanding Officer shall direct, and every Battalion shall also be reviewed twice in every Year, and be properly trained and disciplined, at such Time and Place as the Colonel or Commanding Officer shall direct, and at such other Times and Places as the President or Commander in Chief shall think necessary, and shall order; such Days of Review to be considered as the Day of Exercise for that Month.

Militia how often to be exercised.

6. *And be it Enacted*, That every Person between the Ages of eighteen and fifty, or who may hereafter attain to the Age of eighteen Years (Clergymen and Preachers of the Gospel of every Denomination, Judges of the Supreme Court, Sheriffs, Keepers of the public Gaols, School-Masters teaching a Latin-School, or having at least twenty English Scholars, and indented Servants *bona Fide* purchased, excepted) who is rated at Six Pounds, or upwards, towards the Payment of public Taxes, shall, at his own Expence, provide himself; and every Apprentice, or other Person, of the Age of eighteen and under twenty-one Years who hath an Estate of the Value of Eighty Pounds, or whose Parent is rated at Eighteen Pounds towards the public Taxes, shall, by his Parent or Guardian, respectively, be provided with a Musket or Firelock with a Bayonet, a Cartouch-Box to contain twenty-three Cartridges, a Priming-Wire, a Brush and six Flints, all in good Order, on or before the first Day of *June* next, and shall keep the same by him at all Times, ready and fit for Service, under the Penalty of Twenty Shillings for every two Months Neglect or Default, to be paid by such Person, if of full Age, or by the Parent or Guardian of such as are under twenty-one Years, the same Arms and Accoutrements to be charged by the Guardian to his Ward, and allowed at settling the Accounts of his Guardianship.

What Persons shall provide Arms, &c.

Penalty for neglecting to keep them in Repair.

7. *And be it Enacted*, That every Male white Person within this State, between the Ages of eighteen and fifty, or who shall hereafter attain to the Age of eighteen Years (Clergymen and Preachers of the Gospel of every Denomination, Members of the General Assembly, Justices of the Supreme Court, Justices of the Courts of Common Pleas, Justices of the Peace, Sheriffs, Keepers of the public Gaols, School-Masters teaching a Latin School, or having at least twenty English Scholars, and indented Servants *bona Fide* purchased, excepted) shall attend at the Times and Places appointed in Pursuance of this Act for the

Penalty on Privates for Non-attendance, &c.

general Issue and give this Act in Evidence; and if the Plaintiff in such Suit or Action shall discontinue the same, be nonsuited, or a Verdict pass against him, or Judgement be given against him, he shall pay the Defendant treble Costs.

Continuance  
of this Act.

42. *And be it Enacted*, That this Act shall continue in Force so long as the present War between the *United States of America* and *Great-Britain* shall continue, and from thence until the End of the Sitting of the next General Assembly, and no longer.

Former Acts  
repealed.

43. *And be it Enacted*, That an Act of the General Assembly of this State, intituled, "An Act for establishing a Militia within this State," another Act, intituled, "A Supplement to an Act for establishing a Militia within this State," and another Act, intituled, "An additional supplementary Act to the Act, intituled, An Act for establishing a Militia within this State," be and are hereby repealed and made void; except so far as relates to the Duty of Treasurers of Battalions respectively, who shall continue to act until the Treasurers herein before directed to be appointed shall be chosen.

*Signed, by Order of the House of Assembly,*

SIMON KOLLOCK, *Speaker.*

*Signed, by Order of the Council,*

THOS. COLLINS, *Speaker.*

*Passed at Dover,*

*February 5, 1782.*