

ACTS OF A GENERAL NATURE,

PASSED AT THE FIRST SESSION OF THE .

THIRTY-FIFTH GENERAL ASSEMBLY

OF THE

STATE OF OHIO;

BEGUN AND HELD IN THE CITY OF COLUMBUS,

DECEMBER 5TH, 1836.

And in the Thirty-Fifth Year of said State.

VOL. XXXV.

COLUMBUS:

A. R. DOLBEE, PRINTER TO THE STATE.

1837.

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GENERAL LAWS.

AN ACT

To provide more fully for the preservation and safe keeping of the Journals.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall hereafter be the duty of the clerks of both houses of the General Assembly of this State, to deliver to the State Printer, a certified copy of the daily Journals of their respective Houses; the original of which they shall deposit in the office of the Secretary of State, or under his care and direction, in such other place as may be provided for the safe keeping of the public records; and it shall be their further duty, to keep in a perfect manner, a record of all reports of standing or select committees of their respective Houses, upon all subjects of a general nature, and reports of public officers, called for by special resolution; which record shall be carefully indexed, and deposited as above, at the close of each session of the General Assembly.

Duty of the Clerks, furnishing State Printer with journal.
Record to be deposited with Secretary of State.
Clerks to keep record in book for that purpose.

Sec. 2. That for this purpose, the Clerks shall be, and they are hereby empowered to employ such number of assistants, as shall be found necessary to the discharge of the duties hereby enjoined, at a compensation not exceeding three dollars per day; and they shall further be required, whenever called upon, to report the number of their assistants, their duties and compensation, to their respective Houses.

Clerk to employ assistants and the compensation, to report the same.

Sec. 3. That the printed Journals shall contain only the proceedings of the respective Houses; and all Executive communications, with the accompanying documents, reports of the several officers of State, except such as shall be, called by special resolution, reports of the Board of Public Works, and all official documents, which now pertain to the Journals, shall be printed separately from the said Journals, in the same form, and furnished with an index; which documents shall accompany the Journals in their distribution, and be furnished to all such persons as are by law or resolution, entitled to receive the Journal of the General Assembly.

Journals to contain only the proceedings of the resp. houses, with acc. comp. doc. &c.
To prepare index.

Sec. 4. That it shall be the further duty of the Clerks of the Houses, to affix the index provided for in the first section of this act, to the written Record, as also to the printed Journal; for which service they shall receive such compensation as may be deemed just and equitable, to be paid out of the general appropriation, upon the warrant of their respective Speakers.

Duty of clerks to affix index to the records and journals.

AN ACT

To organize and discipline the Militia.

Every able bodied white male citizen to be enrolled in the militia, and equip themselves.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That each and every able bodied white male citizen of the United States, who resides in this State; who now is or hereafter shall be, of the age of eighteen years and under forty-five years of age, except as hereinafter excepted, shall be enrolled in the militia of this State for the purpose of performing military duty, and be equipped as hereinafter provided.

Captain or commandant of company to enroll; to notify new members of the time and place of muster, unless herein exempted.

Sec. 2. That it is hereby made the duty of the captain or commandant of each company, within the bounds of whose company each person may reside, within ten days next after he shall be informed of such residence, and at all times hereafter, such commanding officers shall enroll each person aforesaid, and cause him to be notified of the same, and of the time and place of muster, and also of those who may from time to time, arrive at the age of eighteen years, and being under the age of forty-five years, excepting as hereinafter excepted, who shall come to reside within the bounds of said company.

The State organized into 23 Divisions.

What counties compose each Division.

Sec. 3. 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 Pike, Jackson, Lawrence and Scioto, shall form the second division; the counties of Coshocton, Knox, Holmes and Tuscarawas, shall form the third division; the counties of Perry, Licking and Morgan, shall form the fourth division; the counties of Clark, Champaign and Greene, shall form the fifth division; the counties of Columbiana, Stark and Carroll, shall form the sixth division; the counties of Fairfield, Hocking, Franklin and Pickaway, shall form the seventh division; the counties of Adams, Brown and Clermont, shall form the eighth division; the counties of Cuyahoga, Lorain, Medina and Wayne, shall form the ninth division; the counties of Montgomery, Stark of Miami and Shelby, shall form the tenth division; the counties of Richland, Huron and Crawford, shall form the eleventh division; the counties of Logan, Hardin, Allen, Mercer and Vanwert, shall form the twelfth division; the counties of Madison, Union, Delaware and Marion, shall form the thirteenth division; the counties of Jefferson and Harrison, shall form the fourteenth division; the counties of Muskingum and Guernsey, shall form the fifteenth division; the counties of Ross, Highland, Clinton and Fayette, shall form the sixteenth division; the counties of Sandusky, Seneca, Hancock and Putnam, shall form the seventeenth division; the counties of Lucas, Wood, Henry, Williams and Paulding, shall form the eighteenth division; the counties of Butler, Preble and Warren, shall form the nineteenth division; the counties of Portage and Trumbull, shall form the twentieth division; the counties of Ashtabula, and Geauga, shall form the twenty-

duty in time of peace, without permission from the company officers of such comp. ted from performing military duty in time of peace, including non-commissioned officers, without permission from the commissioned officers of the company, nor shall a member of any independent company, without permission from the captain, enlist into any other independent company, so as to reduce the company to which he belonged, below the number of fifty, rank and file, including non-commissioned officers: *And provided also,* That whenever it shall happen that so many of the

When an infantry comp'y shall, by enlistment, with permission of the officers be reduced to 25 rank and file, such reduced comp. to be attached to the adjoining company or companies by the colonel upon due notice given, and shall perform duty where attached. members of an infantry company shall have enlisted with the permission of the officers, into any light or independent company or companies, so as to reduce such infantry company below the number of twenty-five, rank and file, it shall be the duty of the colonel or commandant of the regiment to which such company belongs, to attach the residue of such company to the adjoining infantry company or companies, as he shall think proper, by causing written notice thereof to be set up in three of the most public places within the bounds of such reduced company, and notifying the commanding officer of the company or companies to which he proposes to attach such reduced company; and each and every member of such company so reduced, and thus notified, shall in ten days thereafter, be liable to duty as privates in the company or companies to which they are attached.

Indep. comp. when reduced to 25, may be attached to other indep. comp. or disbanded and returned to the ranks of the infan. at discretion, &c. Sec. 28. That whenever it shall happen that the members of any independent company within this State, shall be reduced below the number of twenty-five, by death, removal or otherwise, the same may, at the discretion of the commandant of brigade, be attached to any other uniformed corps of the same brigade, as he may direct, or disbanded and returned to the ranks of the infantry, as in other cases.

Field officers, how armed & equipped. Sec. 29. That in each regiment, squadron or battalion, the field officers shall each arm himself with a good and sufficient sword and pair of pistols, and furnish himself with a good and sufficient horse, with saddle, bridle, martingale and holsters; and in each company of cavalry or troop of horse, the commissioned officers shall each be armed with a good and sufficient sword and pair of pistols, and shall each furnish himself with an active horse, not less than fifteen hands high, with saddle, bridle, martingale, holster and valice; and each non-commissioned officer, musician and private, shall, in like manner, furnish himself with a good horse, not less than fifteen hands high, with a good and sufficient saddle, bridle, martingale, valice and holsters; and, in like manner, shall arm himself with a good and sufficient sword and pair of pistols, and a cartridge box, to contain twelve cartridges, suitable to the bore of his pistols; and all persons belonging to a company of cavalry or troop of horse as aforesaid, shall wear, as a part of their uniform and equipage, a pair of short boots and plated spurs; and in each company of infantry, artillery, riflemen or light infantry, the commissioned officers shall arm themselves with a good

Com. offi. of cavalry comp. how armed & equipped.

other offi. and privates of cavalry, how to be armed and equipped.

and sufficient sword; and in the artillery each private or matross shall be armed with a good and sufficient musket, bayonet and belt, or fusee, with a cartridge box to contain twenty-four cartridges, suitable to the bore of his gun; in all rifle companies, the non-commissioned officers and privates shall arm themselves with good and sufficient rifles, powder horns and bullet pouches; in all light infantry companies, the non-commissioned officers and privates shall be armed with muskets, bayonets and belts, with a cartridge box, sufficient to contain twenty-four cartridges, suitable to the bore of his gun; and all infantry companies, each non-commissioned officer and private shall arm himself with a good and sufficient rifle or fusee.

Artillery, how armed & eq't

Rifle com. how armed & eq't

Light infantry how armed.

Common infy. how armed.

Sec. 30. That from and after the taking effect of this act, all commissioned, non-commissioned officers and privates in the militia of this State, shall hold their arms and accoutrements while liable to do military duty, under the provisions of this act, free from any execution or sale for debt, damages and taxes; and each and every person liable to do military duty, shall be free from arrest while attending such duty, and on his way going to and returning from any muster, in all civil actions whatsoever.

All persons liable to perform mil. duty shall hold their arms & accoutrements free from execution, &c., and shall not be arrested in civil actions, &c.

Sec. 31. That every commissioned, non-commissioned officer, musician and private, shall appear at their respective muster ground on the day appointed, at ten o'clock, A. M.; and at every muster, each commandant of a company shall direct a sergeant of his company to call the roll at half past ten o'clock, A. M., and shall note down all delinquents, and he shall examine all those who do attend, and note down all who are not uniformed, armed and equipped, as required by law; and it shall be the duty of such commandant to cause a list of such delinquents to be made out, setting forth therein whether the delinquency is for want of attendance, want of arms, or for want of proper uniform and equipments.

all off'rs. non-com. offi., musicians & priv. to attend mus.

roll to be call'd at $\frac{1}{2}$ past 10, A. M. Delinq'ts to be noted; & defaulters, whether for uniform eq. or non-attend. to be returned.

Sec. 32. That the following fines shall be incurred for delinquency, to wit: the major general of a division, for neglect of any duty enjoined on him by law, not less than twenty nor more than two hundred dollars; the brigadier general of a brigade or any staff officer who ranks as brigadier general, for neglect of any order of his superior officer or any of the duties enjoined on him by law, not less than fifteen nor more than one hundred and fifty dollars; by the colonel of a regiment or commandant of a squadron or battalion, for neglect of any order of his superior officer, or any of the duties enjoined on him by law, not less than ten nor more than one hundred dollars; by a lieutenant colonel or major, who is not commandant of a regiment, squadron or battalion, or any staff officer ranking as lieutenant colonel or major, for neglect of any order of his superior officer, or any of the duties enjoined on him by law, not less than eight nor more than eighty dollars; by the captain of a company or a troop of horse, or any staff of-

Fine assessed on each officer non-com. offi. and private, for failing to comply with any of the requisitions of this act.

in the same station in the army of the United States; and may also appoint such number of store keepers and other officers, as the good of the service may require; and may order any and all such officers into actual service, when their services become necessary. Commander-in-Chief may complete Medical department.

Sec. 88. That the commander-in-chief, when, in his opinion, it becomes necessary, may complete the organization of the medical department, by appointing a surgeon general, with the rank of colonel; and for each division, a hospital surgeon, with the rank of lieutenant colonel; and for each brigade, a hospital surgeon, with the rank of major; and may call any or all of said officers into actual service, when their services may be found necessary. Uniform.

Sec. 89. That the uniform heretofore, or which may hereafter be, prescribed by the Governor, shall be worn by the militia officers of this State.

Sec. 90. That the act, entitled "An act for organizing and disciplining the Militia," passed February 23d, 1831, and all other acts and parts of acts, coming within the provisions of this act, be, and the same are hereby repealed: *Provided, always,* That all districts heretofore established, and all districts established by this act, shall remain as established, and until altered agreeably to the provisions of this act; and all commissions now held by officers of the militia, now in force, shall remain in force; and all bonds, due-bills, or orders, heretofore given under the provisions of this act, or any previous act regulating the militia, shall be and remain in full force; and all suits now pending and undetermined on any such bond, or for any breach or infraction of any law relating to the military establishment; and all offences committed under such law or laws within the State, shall be prosecuted to final judgment and execution, in the same manner as if said act had not been repealed. Repealing clause. Debts, fines, penalties and liabilities under former acts, to be collected, under former act Enforcing clause.

This act to take effect, and be in full force from and after the first day of May next.

WILLIAM MEDILL,
Speaker of the House of Representatives.

ELIJAH VANCE,
Speaker of the Senate.

March 4, 1837.

AN ACT

To alter and amend an act, entitled "an act to authorize the Canal Commissioners to construct a lock to admit the passage of boats from the Ohio Canal into the reservoir of the Licking Summit, and for other purposes."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the appropriations heretofore made, "to construct