

part of such bonds, or coupons, shall not bar or estop any defense such corporation has made or might have made, to such bonds or coupons in the action in which such former recovery was had; but the corporation sought to be charged in any such action now pending or hereafter brought, may allege and prove any matter of defense in such action to the same extent and with the same effect as though no former action had been brought or former recovery had.

Take effect.

SEC. 2. This Act being deemed of immediate importance by the General Assembly, shall take effect from and after its publication in the Daily State Register and Des Moines Times, newspapers published at Des Moines, Iowa.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register September 20th, 1862, and in the Des Moines Times September 24th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 35.

MILITIA.

AN ACT for the organization and discipline of the Militia, and to amend an Act entitled "An Act to amend the Militia Law," (being Chapter 175 of the laws of the Ninth General Assembly.)

Persons subject to military duty.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all able bodied white male citizens of this State between the ages of eighteen and forty-five years, and not exempt by the laws of the United States, excepting, however, all persons in the Army or Navy of the United States, shall be subject to military duty.

Distinction abolished.

Militia to be immediately organized.

SEC. 2. The distinction between the active, or Volunteer Militia, and the Reserve Militia, is hereby abolished; and the entire Militia of the State are hereby required, and it is made their duty, to organize immediately into companies of Infantry, and meet for the purpose of drill and discipline, at their respective places of rendezvous, at such times as may be determined by each Company, and whenever the Governor shall so order.

SEC. 3. Each member of the Militia shall, so far as

practicable, furnish himself and bring to the place of rendezvous, and use in drilling and discipline, his own arms. Members of Companies are not required to uniform themselves, but furnish arms, &c. when any Company prefers to do so, such Company may adopt its own uniform.

SEC. 4. Companies of Cavalry and Artillery may be organized whenever in the opinion of the Governor it is deemed necessary, and in such manner as he shall direct. Cavalry and Artillery may be organized.

SEC. 5. Whenever, in the opinion of the Governor, it is deemed necessary, he may require the Militia of the State, or any portion of it, in any particular part of the State, to meet at their respective places of rendezvous and drill so many hours each day as the Governor may by general order designate, and every member of the Militia who shall fail, refuse or neglect to obey any such order of the Governor, as is authorized in this section, unless prevented by sickness, shall pay a fine of one dollar into the County Treasury for each day such person shall fail, refuse or neglect so to drill, such fine to be recovered before any Justice of the Peace, on information, for the benefit of the School Fund. Gov. may put the Militia into rendezvous for drill, &c. Penalty for disobedience.

SEC. 6. Companies, when organized, shall consist of not less than eighty-three nor more than one hundred and one privates, including one Captain, one First Lieutenant, one Second Lieutenant, each to be elected by the Company, and an Orderly Sergeant, four Sergeants, four Corporals, and a Company Clerk, to be appointed by the Captain or commanding officer; but the number of privates may be increased or diminished in such cases as the Governor deems proper. The commissioned officers shall be commissioned by the Governor, and the non-commissioned officers shall each receive a warrant from the commander of the Company. Organization of Companies

SEC. 7. Regiments may be organized by the Governor whenever he deems it necessary, and when organized shall be composed of ten Companies, and shall have a Colonel, a Lieutenant Colonel, a Major, a Surgeon, an Adjutant and a Quarter-Master, to be elected by the Companies composing the Regiment, and who shall be commissioned by the Governor. Any less number of Companies than ten may be organized into a separate Battalion, whenever in the opinion of the Governor it is deemed necessary, and such Battalion, if composed of more than five Companies, may elect the same officers as a Regiment, with the exception of a Colonel; and if composed of less than five Companies, may elect all the officers of a Regiment except Colonel and Lieutenant Colonel. Organization of Regiments & Battalions.

Bond given for the safe keeping of arms, &c.

SEC. 8. Before any arms, ammunition or equipments shall be delivered to any Company, Battalion, Battery or Regiment, the commanding officer of such Company, Regiment, Battalion or Battery, shall file in the Quartermaster General's office a good and sufficient bond, with two or more sureties, to be approved by the Governor, in double the value of such arms, ammunition or equipments, conditioned that such arms, ammunition and equipments shall be carefully kept and used, and shall be faithfully returned whenever so ordered, in good condition, wear and use only excepted.

Rolls for drafting shall be taken as rolls of the Militia of the State.

SEC. 9. The rolls of the Militia, when completed, and which are now being prepared by the Drafting Commissioners appointed by the Governor in the several Counties, under the order of the War Department at Washington, for the purpose of drafting, shall be taken and considered to be the rolls of the Militia of the State for all purposes under this Act. And the said Drafting Commissioners are hereby required to furnish certified abstracts of the whole number of Militia in each Township, and the whole number in the County, as appears on said rolls when completed, to the Adjutant General.

Drafting Comm'r to report completed roll to Adj. General.

SEC. 10. The Assessor in each County shall annually, and at the same time they are engaged in taking the assessment or valuation of real and personal property, include in their assessment roll the names of all persons in their respective districts liable to be enrolled under the laws of this State subject to military duty, together with the ages of such persons. Such Assessors shall give notice to every person whose name they shall include in their military roll, that he is so enrolled. Such notice may be given by informing said person thereof, or by giving such information to some person of suitable age and discretion at his place of residence or business.

Assess'r shall enumerate persons required to perform military duty.

Assessor to give notice to persons enrolled.

SEC. 11. The Assessor shall return said military roll with the assessment book of real and personal property, and at the same time, to the Clerk of the Board of Supervisors, and shall also cause notices to be put up in three of the most public places in the township, which notices shall set forth that the Assessors have made their roll of all persons liable to be enrolled in the Militia according to the laws of this State, and that the same is left with the Clerk of the Board of Supervisors, where the same may be seen and examined until the regular meeting of the Board of Supervisors for correcting the assessment of property, when said Board will review such enrollment. Such review shall be made at the same

Assessor to make return of Militia roll and post notices in townships, &c.

Board of Supervisors may review muster roll.

time and place the Board of Supervisors meet to review the assessment of real and personal property.

SEC. 12. Any person who claims that he is not liable to be enrolled in the Militia, may on or before such review, and not after, deliver to the Board of Supervisors, or the Clerk thereof, an affidavit stating such facts, on which he rests his claims, and such other proof as he may desire, and the said Board shall hear and determine such claim. Such affidavit may be made before any person authorized to administer oaths, and shall be filed in the office of the Clerk of said Board, and if any person shall swear falsely in such affidavit, he shall be guilty of perjury.

Board of Supervisors may hear excuses for exempt'n.

SEC. 13. At the time the Board of Supervisors meet, to review the assessment of real and personal property they shall, also, determine who are liable to be enrolled in the militia and in a column prepared for that purpose, in such roll, opposite the name of each person liable to be enrolled their respective ages so far as said Board have knowledge of the same.

Board of Supervisors to determine who shall be enrolled.

SEC. 14. The Clerk of the Board of Supervisors shall, annually, and within thirty days after the meeting of the Board of Supervisors, make a certified list of the names of all persons, in each Township, whom the said Board have determined to belong to the militia and also an abstract thereof, showing the whole number in the County, and forward a copy thereof to the Adjutant General of the State, who shall cause the same to be filed in his office.

Clerk Board of Supervisors to make a list by townships —an abstract of all in Co., and report to Adj. General.

SEC. 15. The Assessors, Board of Supervisors, and Clerk of the Board of Supervisors, in the execution of their duties, herein prescribed, shall be governed by the instructions which shall from time to time, be transmitted to them by the Adjutant General.

Adj. General to furnish instructions.

SEC. 16. If any Assessor or Clerk of the Board of Supervisors, or any civil or military officer charged with any duty under this Act, shall neglect or refuse to perform any of the duties required of him by this Act he shall forfeit and pay a fine of not less than twenty-five nor more than one hundred dollars, to be recovered in the name of the State of Iowa; and if any such officer shall willfully neglect or refuse to perform such duties as are hereby required, he shall be deemed guilty of a misdemeanor; and all such fines or penalties when paid or collected, shall be paid into the County Treasury and shall belong to the School Fund.

Penalty for neglect of duty by officers.

SEC. 17. All tavern keepers, keepers of boarding houses, persons having boarders in their families, and

Proprietors and heads of families required to report persons subject to Military duty. every master and mistress of any dwelling house, shall upon 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 Assessors may demand.

SEC. 18. 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 ten dollars for each item of information demanded of him by any Assessor and falsely stated, and the like sum for each individual name that may be refused, concealed or falsely stated; and every 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 false information, shall forfeit and pay a like sum; such penalties to be recovered in any Court of competent jurisdiction, in the name of the State of Iowa, for the use of the School Fund. And it is hereby made the duty of the Assessor to report the names of all persons who may incur any penalty under this Section to the District Attorney, who shall prosecute such persons to conviction.

SEC. 19. It is hereby made the duty of the Governor, to cause the militia of the State to be organized as speedily as possible into Companies, and he is hereby vested with full power and authority to make all necessary orders, rules and regulations for carrying out this act.

SEC. 20. This Act shall not be construed to conflict with the provisions of any Act passed by the General Assembly at this Extra Session, authorizing the Governor to organize troops for the defense of the Northern and Southern Frontiers, but all such Companies organized under any of said Acts shall be taken to be and shall be considered as Companies of the Militia, and shall be governed and controlled in all respects by the provisions of this Act, except so far as the same conflicts with the provisions of any of the Acts under which any such Company is organized.

SEC. 21. This Act being deemed by the General Assembly of immediate importance, shall be in force from and after its publication in the Daily State Register, and Des Moines Times, newspapers published in the City of Des Moines.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register September 20th, 1862, and in the Des Moines Times September 24th, 1862. ELIJAH SELLS, Secretary of State.