

SEC. 10. Section 3268 is amended by adding the following thereto :

But no writ of execution shall be a lien on personal Execution. property, before the actual levy thereof.

Approved April 8th, 1862.

CHAPTER 175.

MILITIA.

AN ACT to amend the Militia Law.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all able-bodied white male Militia—who citizens of this State, between the ages of eighteen and constitutes, forty-five years, residing in this State, and not exempted by the laws of the United States, shall be subject to military duty, excepting,

1ST—All persons in the Army or Navy of the United States. Who exempt.

2D—Persons who have been or hereafter shall be regularly and honorably discharged from the army and navy of the United States in consequence of the performance of military duty in pursuance of any law of this State, and such firemen as are now exempted by law.

3D—Commissioned officers who shall have served as such in the Militia of this State or in any one of the United States for the space of four years, but no officer shall be exempt unless by his resignation after such term of service duly accepted or in some other lawful manner he shall have been honorably discharged.

4TH—Every non-commissioned officer, musician and private of every uniformed company or troop raised or hereafter to be raised, who has or shall hereafter uniform himself according to the provisions of any law of this State, and who shall have performed service in some uniformed company or troop in this State for the space of six years from the time of his enrollment in the active Militia, shall be exempt from military duty, except in cases of war, insurrection or invasion.

SEC. 2. If any member of such company or troop Same. who shall have been regularly uniformed and equipped, shall, upon his removal out of the beat of such company or troop, or upon the disbandment thereof, enlist into

any other uniform company or troop, and uniform, and equip himself therefor, and serve in the same, whenever the whole time of his service in such companies or troops, computed together, shall amount to six years, he shall be exempt from military duty in like manner as if he had served for the whole period in the company or troop in which he was first enlisted.

Regiments. SEC. 3. The Governor of this State shall have full power to designate the Companies which shall compose a Regiment, and to number Regiments when organized.

Duties of Adjutant and Inspector Gen'l. SEC. 4. The duties of Adjutant and Inspector General shall be as follows, to-wit: He shall issue, sign and transmit all General Orders of the Commander-in-Chief, whether of detail, instruction or movement of the militia, and all general regulations which may be established, and obey all orders from him, relative to the carrying into execution the laws of the United States or of this State, and perfecting the system of military discipline established by law.

Have charge of correspondence. SEC. 5. He shall be charged with all the correspondence between the Commander-in-Chief and officers of the several States and Territories, the Secretary of War, the Adjutant General of the Army, and other persons in official stations, on the subject of Military affairs, and keep a record of such correspondence.

Keep record of orders and regulations. SEC. 6. He shall keep a record of all general and special orders and regulations, and cause the same to be published whenever the Commander-in-Chief shall direct.

Keep roll. SEC. 7. He shall keep a roll of all the commissioned officers of the Militia of this State, with their residence, rank, the corps to which they belong, the number and date of their Commissions, and the time when issued, the number and date of all discharges, removals, deaths, and promotions.

Record descriptions of Divisions, etc. SEC. 8. He shall enter of record a local description of the several divisions, brigades, regiments and companies which may hereafter be formed and every alteration thereof.

Commissions. SEC. 9. He shall make out and issue all Commissions and discharges directed by the Commander-in-Chief.

Provide record books, etc. SEC. 10. He shall prepare and provide the necessary rosters and books of record, the forms and blanks for Commissions, discharges, returns and other necessary papers required by laws of this State, at the expense of the State, and distribute the same to the officers, regiments and companies entitled to them, upon requisition therefor.

SEC. 11. He shall make return in duplicate of the ^{Make dupli-} number of enrolled militia, with the arms, accoutrements ^{cate returns.} and ammunition, one copy of which he shall deliver to the Commander-in-Chief on or before the first day of January, and transmit the other to the President of the United States, on or before the first day of January, annually.

SEC. 12. He shall perform all the duties of ^{Act as Quar-} Quarter-Master General until the Governor deems it best for the ^{ter Master.} public service to appoint that officer.

SEC. 13. The Quarter-Master General shall keep in ^{Duties of} good repair, and attend to the due preservation, safe- ^{Quarter Mas-} keeping, and cleaning of the ordnance, arms, accoutre- ^{ter.} ments, ammunition, munitions of war, and military supplies and stores, the property of this State.

SEC. 14. He shall dispose, to the best advantage, of ^{Same.} all powder, arms, ammunition, accoutrements, tools, implements and war-like stores of every kind, the property of the State, that shall be deemed unsuitable for the use of the State, and from time to time render a just and true account of all sales made by him, and shall pay the proceeds of such sale into the State Treasury.

SEC. 15. He shall report annually on or before ^{Report to the} the first day of January to the ^{Commander-} Commander-in-Chief a ^{in-Chief.} true and particular statement, showing the actual situation and disposition of the ordnance, arms, ammunition, and other munitions of war, property and things which in any wise appertain to, or respect the department confided to his keeping.

SEC. 16. He shall keep a just and true account of all ^{Keep account} the expenses necessarily incurred in and about his department, and once, at least, in every six months deliver the same to the Auditor of State, who shall thereupon examine and audit the same, and shall draw his order or warrant on the Treasury for such sum as he shall audit and certify to be due.

SEC. 17. The Governor may in his discretion appoint ^{Aid-de-Camp} on his staff four special Aids-de-Camp with the rank of Lieut. Colonel of Cavalry, but who are to serve without any compensation whatever, unless sent on special service by the Governor, when they shall receive three dollars per day and their actual and necessary expenses while employed in such service.

SEC. 18. Companies shall take rank according to the ^{Rank of Com-} date of their organization; and the term of service in ^{panies.} all companies now organized, or that may be organized prior to the taking effect of this Act, shall be considered as commencing on the date of its taking effect.

Re-organization of Companies. SEC. 19. Any company organized prior to the taking effect of this Act, shall conform in all respects to the provisions of this Act, and shall re-organize under the provisions herein, in the same manner as if such company had been disbanded.

Age, no bar to an officer. SEC. 20. Nothing in this Act shall be so construed as to prevent persons over the age of forty-five years from holding commissions.

Swearing. SEC. 21. The Adjutant General and all field and staff officers, and every separate Commander, shall have authority to administer oaths to all persons in the militia, whenever necessary under this Act, and the same penalties shall attach to false swearing in such cases as are now provided by law, and no fee shall be charged for administering or certifying such oath.

Serve in but one Company SEC. 22. No person shall be a member of two companies at the same time, and every member of a company who removes beyond the limits of the county or counties in which his company is organized, shall be considered as having been discharged. Any officer who removes beyond the limits of his company or other command, shall be considered as having resigned.

Command in absence of officer. SEC. 23. In the absence of an appropriate commander or other officer, the next in rank in the same command and corps shall succeed to his authority.

SEC. 24. Should there be no commissioned officer present with a company, the regimental or other commander, shall have authority to assign an officer to command until some officer is elected to the place.

Conform to U. S. Service. SEC. 25. In all cases not herein otherwise directed, the duties of general and staff officers, and all other commissioned and non-commissioned officers, of the Volunteer Militia, shall be made to conform as nearly as possible to the duties of the corresponding positions in the United States service.

Who shall command. SEC. 26. When bodies of troops meet on duty, the officer highest in rank in the line shall command the whole, and an officer of higher rank may at any time take immediate charge of any portion of his command when on duty.

Same. SEC. 27. When officers are of the same grade, the officer holding a commission of the oldest date, shall command, and where two officers of the same grade hold commissions of the same date, their relative rank shall be determined by lot.

Regulations. SEC. 28. The rules and regulations provided for the government of the United States army, as far as applicable and not inconsistent with the provisions of this

Act, shall apply to the government of the Volunteer Militia of this State.

SEC. 29. Whenever the President of the United States, or the Commander-in-Chief shall order a draft from the Militia for public service, such draft shall be made in the following manner:

First—When the draft required to be made shall be a number equal to one or more companies to each Brigade, such draft shall be made by company, to be determined by lot, to be drawn by the Commandant of Brigade, in the presence of the commanding officers of the regiments composing said Brigade, from the military forces of the State in his Brigade, organized, uniformed, armed and equipped according to the provisions of this Act.

Second—In case such draft shall require a number equal to one regiment, such shall be determined by lot in the manner above described.

Third—In case such draft shall require a larger number than the whole number of men composing the Volunteer Militia of said Brigade, such additional draft shall be made of an equal number from the Reserve Militia. Such draft shall be determined by lot, to be drawn by the Clerk in whose office said writ shall have been filed, in the presence of the Commandant of the Regiment within the bounds of which such persons may reside, and upon his requisition.

SEC. 30. Any person so drafted in accordance with the above provisions, may offer a substitute at the time and place of the rendezvous of such drafted militia, and such substitute, if he shall be an able-bodied man of the age of twenty-one years, and shall consent in writing to subject himself to all the duties, fines, forfeitures and punishments to which his principal would have been subject had he personally served, shall be accepted by the Commandant of the Company of drafted militia to which his principal may belong.

SEC. 31. The Commander-in-Chief shall prescribe such rules, orders and regulations, relative to the distribution of arms, ammunition and military stores, to the Militia when called into active service as he may deem proper.

SEC. 32. The command of any Military force called into service under draft, shall devolve upon the senior officer of such force, unless otherwise specially ordered by the Commander-in-Chief.

SEC. 33. In case of war, alarm, invasion, insurrection, or to repel invasion, the Commander-in-Chief is hereby authorized and required to order out from time

to time for actual service, by draft or otherwise, as many of the Militia as the necessity of the case may or shall demand.

Training for service.

SEC. 34. The Militia whenever ordered for preparation for actual service, shall be governed and trained according to the laws of the United States and of this State.

Provisions for ordering out Militia.

SEC. 35. Whenever it shall be necessary to order out the Militia for actual service, or any part thereof, such order shall first be issued to the Voluntary Militia, afterwards such number of the Enrolled Militia as shall volunteer individually or by Companies, shall be accepted and organized, and in all such cases the State shall furnish all such arms and equipments as may be necessary for each non-commissioned officer, musician and private, and pay them until their term of service shall have expired.

Same.

SEC. 36. Whenever any insurrection or invasion shall be made or threatened in the State, the Commander-in-Chief shall call upon the Militia to repel or suppress the same, and he may order out any divisions, brigades, regiments, squadrons, battalions, or companies, or may order to be detached any parts or companies of the same, or any number of men to be drafted from the same, and may cause officers to be detailed sufficient with those attached to the troops to organize the forces.

Drafting by lot.

SEC. 37. Whenever any draft for the Militia shall be ordered, the non-commissioned officers, musicians and privates, (except so many as shall offer to serve voluntarily,) shall be drafted by lot from the Company, and the officers regularly detailed from the roster.

Officer Court Martialed for neglect.

SEC. 38. Every officer who, when ordered, shall unnecessarily neglect or delay to march to the place of rendezvous, or shall otherwise disobey any lawful order, shall be cashiered by Court Martial and pay a fine of not less than one hundred nor more than one thousand dollars.

Failure to appear is deemed desertion.

SEC. 39. Every soldier ordered out, volunteered or drafted, who shall not appear at the time and place designated, or who shall not have some able bodied and proper substitute at such time and place, within at least twenty four hours from such time, shall be taken to have deserted, and be dealt with accordingly; and each non-commissioned officer and soldier shall take with him provisions for not less than three days when so ordered out.

SEC. 40. In case of any breach of the peace, tumult, riot or resistance to process of this State, or apprehen-

sion of imminent danger of the same, it shall be lawful for the Sheriff of any County, or the Mayor of any City, to call for aid from any Brigade, Regiment, Battalion, or Company, and it shall be the duty of the commanding officer of such Brigade, Regiment, Battalion or Company to whom such order is given, to order out in aid of the civil authorities the Military force, or any part thereof, under his Command. Sheriff or Mayor may call for Military aid.

SEC. 41. In such case it shall not be necessary for Commandants of Companies to issue written notices for calling out their men, but verbal orders and notices shall be sufficient. Verbal orders sufficient.

SEC. 42. It shall be the duty of the officer of any Division, Brigade, Regiment, Battalion, or Company, in all cases when so called into service, to provide the men of his command so ordered out, with at least twenty-four rounds of ball cartridge and arms in complete order for actual service. Arms and ammunition furnished.

SEC. 43. Such officer shall be subject, as provided by law, to the Sheriff or public officer who shall so require his aid, and for refusing or neglecting to obey the order of such Sheriff or public officer so requiring service, or for interfering, or in any way hindering or preventing the men of his command from performing such duty, or in any manner by neglect or delay preventing the due execution of law, every such Commanding officer, and every Commissioned officer under his command so offending, shall be liable to a fine of not less than one hundred nor more than five hundred dollars, and imprisonment in the County-Jail for a period not exceeding six months. Officer punished for neglect of duty.

SEC. 44. It shall be the duty of the District Attorney of any County where such offense shall be committed, to prosecute the same; and in addition thereto such officer shall be liable to be tried by Court Martial and sentenced to be cashiered and incapacitated forever after from holding a Military Commission in this State. Prosecution.

SEC. 45. Any non-commissioned officer, musician or private, who shall neglect or refuse to obey the orders of his commanding officer in the case above provided for, shall be liable to a fine of not less than twenty-five nor more than one hundred dollars, or imprisonment in the County Jail for a period not exceeding three months, to be prosecuted and recovered in the manner hereinbefore provided in the case of Commissioned officers. Penalty for refusing to obey orders.

SEC. 46. The Adjutant General shall receive an annual salary of fifteen hundred dollars, until after the troops from this State, in the service of the Salary of Adjutant Gen'l. and Clerks.

United States, are mustered out of such service, and thereafter he shall receive an annual salary of five hundred dollars; such salary to be paid in the same manner as the salary of the Governor. The Adjutant General may also employ two Clerks in his office; *Provided*, that the salaries of said Clerks shall not in the aggregate exceed at the rate of fifteen hundred dollars per annum.

Salary of Qr. Master.

SEC. 47. The salary of the Quarter Master General shall be at the rate of three hundred dollars per annum, provided that when the duties are performed by the Adjutant General he shall receive no additional compensation therefor.

Pay Master abolished.

SEC. 48. The office of Paymaster General is hereby abolished, and the duties of that office shall be discharged by the Adjutant General.

Salary of Surgeon General

SEC. 49. The salary of Surgeon General shall be at the rate of one thousand dollars per annum, until after the expiration of the present war.

SEC. 50. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 51. This Act being deemed of immediate importance by the General Assembly, shall take effect and be in force from and after its publication in the Daily State Register and Daily Des Moines Times, newspapers published at Des Moines.

Approved April 8, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register April 20th, 1862, and in the Des Moines Times, April 26, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 176.

CAPTAIN MORTON AND OTHERS.

AN ACT to pay Capt. James F. Morton and others for services rendered in protecting the Northwestern frontier during the months of May and June, 1861.

ble. WHEREAS, detachments of a Company commanded by Capt. James F. Morton, known as the "Frontier Rangers" and organized for the protection of the Northwestern Frontier, according to the provisions of the Militia Law of the State of Iowa, did render ac-