

L A W S
OF THE
STATE OF NEW-YORK,
PASSED BY THE
LEGISLATURE AT THEIR NINTH SESSION

CHAP. 1.

AN ACT relative to buildings in the city of New York.

PASSED the 31st of January, 1786.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all and every fine or penalty incurred before the passing of this act, for any offence or neglect committed or suffered contrary to the true intent and meaning of an act entitled An act for the more effectual preventions of fires, and for regulating of buildings in the city of New York, passed the 31st of December in the year of our Lord 1761, and of the act entitled An act to amend an act for the more effective prevention of fires, and for regulating of buildings in the city of New York, passed the 1st of April 1775 shall be and the same are hereby respectively remitted; and that the two above mentioned laws be and they hereby are suspended until the first day of January next.

Buildings
in New
York city;
penalties
incurred
for viola-
tion of law
concern-
ing re-
mitted.

CHAP. 2.

A supplementary act to the act entitled an act vesting the real estate of Benjamin Moore Senior late of the city of New York sailmaker deceased, in trustees for the payment of his debts, and for other purposes therein mentioned.

PASSED the 31st of January, 1786.

WHEREAS it was necessary in and by the said act that the trustees thereby appointed, should before they exercised any of the powers to

Preamble.

the act entitled "An act for granting a more effectual relief in cases of certain trespasses, and for other purposes therein mentioned" passed May the 4th 1784," remedy was given to creditors against debtors designated in the said first section of the said act, with authority to proceed against such debtors in manner as nearly as may be, as is prescribed and directed in and by an act entitled "An act for relief against absconding and absent debtors" passed 3d day of April 1775." *And whereas* the act last mentioned is expired by its own limitation.

Proceedings under act referred to may be continued under this act.

Be it therefore enacted by the authority aforesaid, That all proceedings hereafter to be had, against such debtors as are particularly described, in, and by the aforesaid first section of the act first aforesaid, shall as nearly as may be, be in the manner prescribed and directed in and by this act.

CHAP. 25.

AN ACT to regulate the militia.

PASSED the 4th of April, 1786.

Militia; enrolment of; who subject to military duty.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That every able bodied male person being a citizen of this State, or of any of the United States and residing in this State (except such persons as are herein after excepted) and who are of the age of sixteen and under the age of forty five years shall by the captain or commanding officer of the beat in which such citizens shall reside within four months after the passing of this act be enroled in the company of such beat. That every captain or commanding officer of a company shall also enrol every citizen as aforesaid who shall from time to time arrive at the age of sixteen years, or come to reside within his beat, and without delay notify such enrolment to such citizen so enroled by some non commissioned officer of the company, who shall be a competent witness to prove such notice. That all disputes which may happen with respect to the age or ability of any person to bear arms, shall be determined by the captain or commanding officer of the company with a right of appeal by the person who may conceive himself aggrieved or by any other person belonging to the company, to the colonel, or commanding officer of the regiment. That every citizen so enroled and notified shall within three months thereafter provide himself at his own expence with a good musket or firelock, a sufficient bayonet and belt a pouch with a box therein to contain not less than twenty four cartridges suited to the bore of his musket or firelock, each cartridge containing a proper quantity of powder and ball, two spare flints a blanket and knap sack; and shall appear so armed, accoutered and provided when called out to exercise or duty, as herein after directed; except that when called out to exercise only, he may appear without blanket or knapsack. That the commissioned officers shall be respectively armed with a sword or hanger & an esponton. That the commander in chief for the time being shall by general orders arrange the whole militia, into commands as nearly equal as conveniently may be, of brigades, regiments and companies, and may from time to time alter such arrangements as he shall think proper; and that to each brigade of infantry there shall be one company of artillery and one troop of horse. That each regiment of

Equipments to be provided.

Governor to arrange militia in commands

infantry shall consist of two battalions, each battalion to be composed of four companies, and each company of

Companies of infantry.

one captain	four corporals
one lieutenant	one drummer
one ensign	one fifer, and not less than
four serjeants	

sixty five privates, as nearly as local circumstances will admit the serjeants, corporals drummers and fifers to be from time to time appointed by the captain or commanding officers of the several companies. And if any non commissioned officer so to be appointed shall refuse to accept the office to which he shall be appointed, he shall forfeit the sum of forty shillings to be adjudged levied and disposed of as is herein after directed with respect to fines for neglecting or refusing to appear to exercise. That each regiment shall be commanded by three field officers, vizt. One lieutenant colonel commanding and two majors, and that to each regiment there shall be a regimental staff, to consist of

Regiments of infantry.

one adjutant	} To rank as lieutenants.
one quarter master, and	
one pay master	
one surgeon and	
one surgeons mate	

and that to each regiment there shall be two light infantry companies composed of such active young men as shall voluntarily engage in such infantry companies, and who shall form on the flanks of the regiment, and be clothed in such uniform as is herein after directed. That four regiments thus constituted shall form a brigade to be commanded by a brigadier general who may nominate his own brigade major which brigade major shall rank as captain. That each troop of horse shall consist of

Brigades.

Troops of horse.

one captain	four corporals
one captain lieutenant	one sadler
one lieutenant	one farrier
one cornet	one trumpeter and
four serjeants	forty horsemen

each trooper to furnish himself with a serviceable horse at least fourteen hands high, a good saddle bridle, housing, holsters, breast plate and crupper, a pair of boots and spurrs, a pair of pistols, a sabre, a cartouch box to contain twelve cartridges for his pistols; and that the commissioned officers shall be armed with a sword and a pair of pistols, the holsters of which to be covered with bearskin caps. That each company of artillery shall consist of

Artillery, companies of.

one captain	six gunners
one captain lieutenant	six bombardiers
three lieutenants	one drummer
six serjeants	one fifer and
six corporals	thirty two matrosses,

each commissioned officer shall be armed with a sword or hanger, a fuze bayonet and belt and cartridge box to contain 12 cartridges, and each artillerist shall furnish himself at his own expence with all the equipments of a private in the infantry until proper ordinance and field artillery can be provided by the State; the drum and fife to be provided by the commissioned officers of the company. That each company of artillery and troop of horse shall be formed of volunteers from the district of the brigade within which they reside, and shall be uniformly clothed in regimentals, to be furnished at their own expence, the colour and fashion of which to be determined by the brigadier commanding

Artillery and cavalry, enlistments in.

**Militia,
when to
rendez-
vous.**

**Regiment-
al parades.**

**Adjutant
general,
duty of.**

**Brigade
inspector.**

the brigade. That on every enlistment of a volunteer into the horse, artillery or light infantry, the captains of such troops or companies respectively shall immediately certify the same to the captain of the beat from which such volunteer shall enlist. That each regiment shall be provided with State and regimental colors, at the expence of the field officers, and each company with a drum and fife at the expence of its commissioned officers. That all the militia of the State shall rendezvous four times in every year, for the purpose of training, disciplining, and improving in martial exercises; twice by companies within their beats once by regiments, and once by brigades; the time and place of rendezvous for the companies to be appointed by the colonel, or commanding officer of the regiment, and arranged on different days, that the field and staff officers may have an opportunity of attending the several companies exercised in detail, in order to introduce uniformity in the manœuvres and discipline of the regiment. That each commanding officer of a regiment shall appoint a regimental parade at some convenient place as nearly central as may be within the district of his regiment, and each brigadier general shall appoint a brigade parade at some convenient place within the district of his brigade, as nearly central as may be, at which brigade parade such brigade shall rendezvous on such days as the commander in chief shall appoint by general orders; and which days shall be so arranged that the adjutant general may be enabled to visit and review them at their respective brigade parades. That there shall be an adjutant general of the militia whose duty shall be to distribute all orders from the commander in chief to the several corps; and once in every year review the brigades; to attend the respective brigades on their respective parades; and the regiment of infantry and companies of artillery and cavalry during the time of their being under arms, pursuant to this act; and shall inspect their arms, and ammunition accoutrements and clothing, superintend their exercises and manœuvres, and introduce a system of military discipline throughout the State, agreeable to such orders as he shall from time to time receive from the commander in chief; to furnish blank forms of different returns that may be required, and explain the principles on which they shall be made; that within three weeks after he shall have finished his annual review he shall deliver to the commander in chief a return of all the militia of the State, reporting the actual situation of the arms, accoutrements and ammunition of the several corps, their delinquencies, and every other thing which in his judgment may relate to their police and the general advancement of good order and military discipline; that he shall have the rank of lieutenant colonel and shall be allowed as a full compensation for all the services he is required to perform by this act, at and after the rate of two hundred and fifty pounds for every year. That to every brigade there shall be an inspector, to rank as major, whose duty it shall be to attend the regimental parades, and shall then and there inspect their arms, ammunition accoutrements and clothing; superintend their exercises and manœuvres, and introduce a proper system of military discipline throughout his brigade, agreeable to such orders as he may, from time to time receive from the adjutant general. That at the annual brigade rendezvous the light infantry companies or the regiments composing the brigades shall be formed into a regiment to be commanded by such field officers as the commanding officer of the brigade shall appoint for that service. That when so embodied they shall continue together together at least four days, and perform such manœuvres and evolutions under the direction of the adjutant general as he shall assign them. That the artillery company and troop of horse belonging to each

brigade shall during such service, be attached to and remain with the regiment of light infantry, and be subject to the orders of the commanding officer thereof. That every regimental commissioned officer shall report his acceptance of his appointment within ten days from his receiving notice thereof, to the commanding officer of the regiment; who shall in like manner within ten days make return thereof to his brigadier. The commissioned officers of cavalry and artillery shall also notify the acceptance of their appointments within ten days after they have received notice, to their captains; and the captains shall make similar returns to their brigadiers within ten days. That a general court martial shall consist of thirteen commissioned officers who shall appoint their own judge advocate which judge advocate shall tender to each member, and each member is hereby enjoined to take the following oath—

Commissi-
oned
officers, to
report ac-
ceptance.

General
courts
martial.

You do swear, that you will well and truly try, and determine, according to evidence, the matter now depending between the people of the State of New York, and the prisoner or prisoners to be tried; and you do further swear that you will not divulge the sentence of the court until the same shall be approved of pursuant to this act. Neither will you upon any account at any time whatsoever disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof by a court of justice in a due course of law; so help you God

Oath of
members.

And the president is hereby authorized to tender to the judge advocate, who is hereby enjoined to take the following oath

You do swear that you will not upon any account at any time whatsoever disclose or discover the vote or opinion of any particular member of the court martial unless required to give evidence thereof as a witness by a court of justice in a due course of law; and that you will not divulge the sentence of this court until the same shall be approved pursuant to this act; so help you God.

Oath to
judge ad-
vocate.

That every commissioned officer who shall be convicted by a general court martial of having refused or neglected to perform any of the duties of his office, shall be punished according to the nature and degree of his offence at the discretion of the said court either by fine or removal from his office *Provided* no fine shall exceed ten pounds for the first offence, or fifty pounds for any subsequent offence; which fine shall be levied and collected by warrant under the hand and seal of the commanding officer of the brigade directed to any serjeant of the regiment to which such officer on whom such fine is imposed may belong in like manner as the fines herein aftermentioned to be recovered of non commissioned officers and privates for neglect or refusal of duty. That the commanding officer of a brigade may order courts martial for the trial of offences within his brigade; the members of which shall be warned for that duty by the brigade major, who is to keep a roster for that purpose. That the proceedings and sentence of every court martial by which any officer shall be removed from office, shall be in writing, signed by the president thereof; and that all proceedings and sentences shall by the president be delivered to the commanding officer of the brigade, to be by him transmitted to the commander in chief, who shall approve or disapprove of the same in orders; and that all other proceedings and sentences of brigade courts martial shall be delivered by the president thereof to the commanding officer of the brigade who shall approve or disapprove of the same in orders. That a court martial for the trial of general officers shall be ordered by the commander in chief, and composed of general and field officers, who

Brigade
courts
martial.

Courts
martial for
trial of
general
officers.

shall be warned to that duty by the adjutant general, from a roster to be by him kept for that purpose. That the proceedings and sentences of such courts shall be transmitted by the presidents thereof to the commander in chief, who shall confirm or disapprove of the same in general orders. *Provided*, that no sentence of a court martial on a general officer shall go farther than removal from office. That all sentences of courts martial by which any officer shall be removed, and which shall be approved by the commander in chief, shall by him from time to time be laid before the council of appointment, to the end that the person administering the government of this State for the time being, by and with their advice and consent, may appoint others instead of the officers so removed from office. That every non commissioned officer or private who shall neglect to appear when warned in pursuance of this act, without sufficient excuse, shall for every day he neglects to appear at the brigade rendezvous, forfeit the sum of twenty shillings, and shall for every day he neglects to appear at the regimental or company parades, forfeit the sum of eight shillings; and if he shall not be armed and equipped according to the directions of this act, when so appearing, without sufficient excuse, he shall for every deficiency forfeit the sum of one shilling, and appearing without a musket the sum of four shillings. That the commissions to be granted to officers of the militia shall be numbered, and the officers of the same grade shall take rank according to the numbers marked on their respective commissions, and when officers of different corps shall meet on duty the rank of officers of the like grade shall be determined by ballot, by the commanding officer of the whole then present. That one brigade, regiment or company of foot, (except the light infantry companies herein before mentioned) shall not be considered as older or having rank or preference of the other; but each brigade, regiment or company shall be posted in the line or on command as the commanding officer shall think proper.

Non-commissioned officers and privates, penalty for failure to appear when warned. That all fines arising from offences in a company only, shall be adjudged of and imposed by the commissioned officers of the said company, or the major part of them; and all fines to arise from offences on calling out the regiment, or brigade, with respect to the non commissioned officers and privates shall be adjudged and inflicted by the major part of the field officers of the regiment; and shall be levied with costs, not exceeding three shillings, by warrant from the colonel, or commanding officer of the regiment, or captain or commanding officer of the company, as the case may be, directed to one or more serjeants; by distress and sale of the goods and chattels of the offenders respectively. And in case any such defaulter shall be under age, and live with his father or mother, or shall be then an apprentice or servant, the master or mistress, or father or mother, as the case may be shall be liable to pay the said fine with costs: And in default of payment the said serjeant shall levy the same upon the goods and chattels of such father or mother, or master or mistress; such fines when recovered, to be paid by the serjeant or serjeants, to the officer granting such warrant, whose duty it shall be to account for, and pay the same to the commanding officer of the brigade; and such commanding officer shall pay the same into the treasury of this State.

Order of rank of officers. That the city and county of New York shall raise one regiment of artillery, to consist of as many companies as the commander in chief shall judge necessary, not to exceed four; which companies shall consist of the same number of officers, non commissioned officers and mærosses, as the artillery companies herein before mentioned; that such regiment of artillery shall have three field officers, shall be armed and accoutred in the same manner as the other artillery companies men-

Fines, disposal of

Fines, how payment of enforced

New York city, regiment of artillery in.

tioned in this act, until further provision is made therein by law; and shall be called out to exercise by orders from the commander in chief at least six times in every year, and be subject to the same fines and penalties as are inflicted by this act for the neglect or refusal to do duty, or being deficient in any arms or equipments.

And be it further enacted by the authority aforesaid, That the commander in chief for the time being, may, in case of invasion or other emergency, when he shall judge it necessary, order out any proportion of the militia of the State to march to any part thereof, and continue as long as he may think necessary, and likewise, may, in consequence of an application from the executive of any of the United States, on an invasion or an apprehension of an invasion of such State, at his discretion, order any number of the militia, not exceeding one third part thereof, to such State; *Provided* they be not compelled to continue on duty out of this State more than forty days at any one time. That while in actual service in consequence of being so called out, they shall receive the same pay and rations, and be subject to the same rules and regulations as the troops of the United States of America.

Governor may order out militia when necessary.

And be it further enacted by the authority aforesaid, That the lieutenant governor, members and officers of Congress, and their servants not citizens of this State, members of senate and assembly the clerks of senate and assembly, the chancellor, chief justice and other justices of the supreme court, judge of the court of probates, and all other judicial officers, secretary, treasurer, attorney general, and auditor of this State, surveyor general, registers of courts, sheriffs, coronors, and gaolers, two ferry men employed to each boat and the surrogates in the several counties; all ministers or preachers of the gospel, physicians and surgeons, except in their respective professions and callings, the professors tutors and students of Columbia college, post officers and stage drivers who are employed in conveying the mails of the post office of the United States, all school masters engaged for six months, the actual attendant of every grist mill, and the fire men of the cities of New York and Albany, and of the township of Brooklyn and twenty fire men to be from time to time appointed by the majority of the magistrates of the county of Albany residing in the township of Schenectady, notwithstanding their being above sixteen and under forty five years of age, shall be and hereby are exempted from training or doing duty in the militia.

Persons exempt from military duty.

And be it further enacted by the authority aforesaid That all persons being of the people called Quakers who would otherwise be subject to military duty by virtue of this act, and who shall refuse personal military service, shall be exempted therefrom on paying annually the sum of forty shillings each for such exemption; such sum to be assessed on each of them respectively by the assessors, and collected by the collectors of the districts wherein they respectively reside, with the contingent charges of the county, and paid to the county treasurer, who shall pay the same into the treasury of this State, to be applied toward the support of government. And it is hereby made the duty of every captain of infantry within three months after he shall have received his commission, and yearly and every year thereafter, on the first Monday of June in every year, to make a list of the names of all and every person and persons within his beat who being of the people called Quakers shall neglect or refuse personally to perform military service, and deliver such list in the city of New York to the clerk of the said city, and in each of the other counties of this State to the supervisor of the town, precinct or district where such person or persons so neglecting or refusing to perform military service shall respectively reside: And the clerk

Quakers may be exempted on payment of forty shillings; how collected.

of the said city of New York shall forthwith after receiving such lists, deliver the same to the mayor aldermen and commonalty of the said city in common council convened, and the mayor, recorder and aldermen of the city of New York or any three of them in the said city, and the supervisors or major part of them of each of the other counties of this State respectively shall at their first meeting after the delivery of such lists, cause tax lists to be made out according to such lists so delivered, with warrants thereon under their hands and seals directed to the collector of the ward town, precinct or district, in which such persons named in such lists respectively reside for levying the sum of forty shillings of the goods and chattels of each of the persons named in the same lists. And the said collectors are hereby respectively authorized and required to demand and receive of each of the persons named in such tax list the said sum of forty shillings; and in default of payment such collector shall levy the said sum of forty shillings by distress and sale of the goods and chattels of the person so neglecting or refusing to pay the same; and in case any person named in such tax list shall be under age and live with his father or mother shall be then an apprentice or servant the master or mistress or father or mother as the case may be, shall be liable to pay the said sum of forty shillings for such person so under age; And in default of payment the collector shall levy the same by distress and the sale of the goods and chattels of such father or mother master or mistress. And the said respective collectors shall respectively pay the said monies to the city or county treasurer, deducting their fees for collecting, on or before the first Monday of January in every year; and the county treasurers shall respectively pay the same to the treasurer of this State, deducting his fees for receiving the same, on or before the first Monday in March in every year. And the collectors and county treasurers shall have the like fees for collecting and receiving the said monies, as they are respectively entitled to for collecting and receiving the monies raised for defraying the necessary contingent charges of the said city or counties.

Compensa-
tion of
militia
directed to
remain
embodied.

And be it further enacted by the authority aforesaid, That the non commissioned officers and privates of the companies of artillery, cavalry and infantry, which by this act are directed to remain embodied for the purpose of being trained and instructed in military discipline, after the other enroled militia of this State are dismissed, shall be allowed and paid for every day which they shall so remain as aforesaid longer than the said enroled militia, each two shillings.

Muster-
rolls, how
made out.

And be it further enacted by the authority aforesaid, That the captains of the respective companies of artillery, cavalry and infantry, which shall remain embodied as aforesaid, shall make out and deliver to the inspector of the brigade to which such companies shall respectively belong, a roll of their respective companies, specifying the names of the non commissioned officers and privates who have actually been in the field as aforesaid, and the times which they have so been in the field. And that the said inspector shall muster the said companies on the day next before the day of their dismission, and shall certify the exact state of such companies respectively upon the muster roll thereof, and subscribe his name thereto; which muster roll being subscribed and sworn to by the captains of such companies respectively before the brigadier or commanding officer of the brigade, shall by the said captains together with a pay roll, be delivered to such brigadier or commanding officer of the brigade.

Muster and
pay-rolls
to be certi-

And be it further enacted by the authority aforesaid, That when the muster rolls and pay rolls of the said companies respectively shall be

delivered as aforesaid to the brigadier or commanding officer of the respective brigades, the said brigadier or commanding officer of the brigade shall cause the major of brigade to make out an abstract of the whole of the pay of the said companies of cavalry artillery and infantry of his brigade, which muster rolls pay rolls and abstracts being severally examined and certified by the said brigadiers or commanding officers of the brigades respectively, shall be transmitted to the treasurer of the State.

fed and delivered to treasurer.

And be it further enacted by the authority aforesaid, That when the muster rolls, pay rolls and abstract shall have been delivered in manner aforesaid to the treasurer of the State, the said treasurer shall and may and he is hereby authorized and directed to pay to the captains of such companies respectively, upon application therefore the amount of the pay of their respective companies, to be specified in their pay rolls as aforesaid, out of any unappropriated monies in the treasury; and such captains shall as soon as conveniently may be pay the same to such non commissioned officers and privates respectively who are entitled to the same, or their executors or administrators.

Treasurer to pay amounts to captains of companies.

And be it further enacted by the authority aforesaid That the commander in chief shall from time to time arrange the militia in two divisions as nearly equal as circumstances in his opinion will admit of.

Two divisions to be formed.

And whereas from the great extent of the counties of Washington and Montgomery, some of the inhabitants would be subject to great expence and difficulty, if they were obliged to attend at regimental & brigade parades;

Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the respective commanding officers of the militia in each of the said counties to exempt such persons from attending regimental and brigade parades, as shall live at a greater distance than thirty miles from such parades aforesaid.

Certain persons in Montgomery and Washington counties exempted from parades.

And whereas, from the insular situation of the county of Richmond it will be attended with much inconvenience and expence if the militia thereof should be compelled for the purpose of improving in military discipline to attach themselves to the militia of any other county. Therefore

Be it farther enacted by the authority aforesaid, That the militia of the said county of Richmond shall be formed into one regiment to consist of as many companies as the commander in chief shall judge necessary, which regiment shall meet four times in the year in the manner and during the periods which the other militia of this State are directed to meet; but such regiment shall be inspected in the said county by such inspector of the militia of the city and county of New York as the commander in chief shall direct, and shall be attached to and considered as part of the militia of the city and county of New York, and be subject to the immediate command of the senior brigadier of the said city and county as part of his brigade.

Richmond county, separate regiment in.

And be it further enacted by the authority aforesaid That if a sufficient number of volunteers shall not offer themselves to compose the infantry companies of any regiment it shall and may be lawful from time to time when a deficiency in the complement of any such company shall arise, to and for the field officers of the regiment to cause a list to be made of all the young men enroled in the district of such regiment above the age of sixteen and under the age of twenty six years, and who shall not already have enlisted in the said infantry companies, and shall by lot determine which of the said young men shall be compelled to attach themselves to the said companies of infantry.

Infantry companies not filled by volunteers, to be filled by draft.

Invasion,
calling out
of militia
in case of.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any major general or commanding officer of a brigade or commanding officer of a regiment when and as often as any invasion may happen to order out the militia under their respective commands for the defence of this State, giving notice of such invasion and every circumstance attending the same, as early as possible to their immediate commanding officer, by whom such information shall be transmitted with the utmost expedition to the commander in chief ; and that in cases of insurrections the commanding officer of the regiment within the limits of which any such insurrection may happen shall immediately assemble his regiment under arms, and having transmitted information thereof to the commanding officer of the brigade and to the commander in chief shall proceed to take such measures to suppress such insurrection as to any three of the judges or justices of the county in which such insurrection shall happen shall appear most proper and effectual. And if any person be wounded or disabled while in actual service in opposing any invasion or insurrection or in suppressing the same, he shall be taken care of and provided for at the public expence, without having any regard to the rank such person may hold.

Commissary of
military
stores.

And be it further enacted by the authority aforesaid That it shall and may be lawful for the person administering the government of the State for the time being, by and with the advice and consent of the council of appointment, to appoint a commissary of military stores, who shall be allowed at and after the rate of forty pounds per annum : And such commissary shall have the charge and keeping of ordinance, and military stores of the State, subject to such orders and instructions in the execution of his duty as he shall receive from the commander in chief.

Penalties
for refusal
to obey
orders, etc.

And be it further enacted by the authority aforesaid That every non commissioned officer and private who shall neglect or refuse to obey the orders of his superior officer while under arms shall forfeit twenty shillings for every such offence, and if any such non commissioned officer or private enroled to serve in either of the companies of artillery cavalry or infantry shall refuse or neglect to perform such military duty or exercise as he shall be required to perform, or shall depart from his colours or guard, without the permission of his superior officer as aforesaid, he shall forfeit the sum of twenty shillings and for the non payment thereof the offender shall be committed by warrant from the captain or commanding officer of the troop or company then present to which such offender doth belong to the next goal there to be confined until the fines as aforesaid together with the goalers fees are paid. And the respective sheriffs of the respective cities and counties of the State are hereby empowered and required to receive the body or bodies of such offender or offenders as shall be brought to them by virtue of a warrant or warrants under the hand and seal of such officer as aforesaid ; and him or them to keep in safe custody until such fines as are mentioned in such warrant together with the goalers fees as aforesaid shall be paid, and the sheriffs and goalers respectively shall be allowed the same fees as are allowed in other cases : *Provided*, that in case of a military guard where a captain doth not command in person, a warrant granted by an inferior officer who shall have the command of such guard, shall be of the same authority against all offenders as if such warrant had been issued by such captain.

Uniforms,
of what to
consist.

And be it further enacted by the authority aforesaid That the military uniform of this State shall be as follows, that is to say

General officers, dark blue coats with buff facings, linings, collars and cuffs and yellow buttons with buff under cloths—

Regimental officers of infantry, dark blue coats with white linings, facings, collars and cuffs, and white buttons, with white under clothes—

Non commissioned officers and privates of infantry, dark blue coats with white linings collars and cuffs, and white under clothes—

Staff officers, dark blue coats with buff collars and linings and yellow buttons—

Provided, that none of the non commissioned officers and privates of the regiments of militia, except those composing the light infantry companies, directed to be formed by this act, shall be obliged to appear in uniform in manner aforesaid.

And be it further enacted by the authority aforesaid, That all persons who have heretofore been commissioned officers in the line of the army of the United States, shall be, and hereby are exempted from serving in the militia of this State, any thing in this act to the contrary hereof notwithstanding. *Provided nevertheless*, that if any such officer being above the age of sixteen and not more than forty five years, shall be commissioned in the militia to a rank equal to that which he held in the said army and shall refuse to accept such commission such officer so refusing, shall be liable to serve in the militia.

Former officers in the line of the United States exempt.

And be it further enacted by the authority aforesaid, That the commander in chief shall, as soon as may be after the passing of this act, take such measures as to him shall seem proper, to obtain the age rank and residence of all officers who heretofore have served in the militia of this State, and the number of men between the age of fifteen and forty five directed to be enrolled by this act. And all executive officers within this State, are hereby strictly enjoined and required to carry into execution such directions relative to the premises as the commander in chief may from time to time give and enjoin.

Lists to be made of officers who have formerly served in the militia.

And be it further enacted by the authority aforesaid, That all other laws of this State, for regulating the militia thereof shall be and hereby are repealed. *Provided always*, that the act entitled "An act to regulate the militia" passed the 4th of April 1782 shall continue to be in full force and effect in the different counties of this State until the militia of such counties shall be arranged and officered, agreeable to the directions of this law and no longer.

Certain acts repealed.

CHAP. 26.

AN ACT to enable the mayor, aldermen and commonalty of the city of New York, in common council convened, to order the raising monies by tax for the maintenance of the poor, and other contingent expences arising in the said city.

PASSED the 4th of April, 1786.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the mayor aldermen and commonalty of the city of New York, in common council convened, shall be and hereby are fully empowered and authorized, as soon as conveniently may be after the passing of this act, to order the raising a sum not exceeding six thousand pounds, by a tax on the estates real and personal of all and every the freeholders and inhabitants within the city and county of New York, to be applied to the support and maintenance of the poor of the said city and county,

Tax laid in New York city for contingent expences.