

ACTS OF A GENERAL NATURE  
AND  
LOCAL LAWS AND JOINT RESOLUTIONS,  
PASSED BY THE  
FIFTY-SECOND GENERAL ASSEMBLY,  
OF THE  
STATE OF OHIO:  
AT ITS SECOND SESSION,  
BEGUN AND HELD IN THE CITY OF COLUMBUS,  
JANUARY 5, 1857:  
AND IN THE FIFTY-FIFTH YEAR OF SAID STATE.

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## PUBLIC ARMS TO BE KEPT BY ASSISTANT QUARTERMASTERS.

Keeping of  
public arms.

SECTION 45. All the public arms, ammunition, accoutrements, camp equipage and military stores belonging to any division of the militia of this state, shall be under the care and superintendence of the assistant quartermaster general of such division, who shall have power to employ suitable persons to clean and repair any arms or articles which may require it, and certify any reasonable and just account which may be rendered for cleaning and repairing; and for transporting such arms and military stores to any place where they may be ordered by the commander-in-chief of divisions, which account thus certified shall be allowed by the auditor of state, and paid as other accounts against the state are paid; and such assistant quartermaster general shall receipt for all articles delivered to his charge, and account for the same at any time when called on so to do by the commandant of division, or quartermaster general of the state.

## PENALTY OF DETAIN'NG PUBLIC ARMS.

Penalty for  
disposing of  
arms, &c, be-  
longing to the  
State of Ohio.

Penalty not  
paid in ten  
days may, be  
confined in  
county jail.

Expense paid  
out of military  
fund.

Fines paid  
into State  
Treasury.

SECTION 46. If any person or persons shall be found guilty of selling or disposing of any arms, accoutrements, or any camp equipage belonging to the state of Ohio, every person so offending, or being guilty of such act, shall forfeit and pay over for every musket sword, sabre or pistol, or canon, double the contract price for such article, as estimated at or by the ordnance department at Washington City, with costs of suit, or if any person or persons shall be found guilty of hiding or secreting, detaining, or refusing to give up or deliver any of the arms, or camp equipage aforesaid, shall pay double the contract price, with costs of suit, and if said [sum] is not paid by such person or persons, after judgment rendered against him, her or them, within ten days, or bail put in for stay of execution, an execution shall issue, and such person may be confined in the county jail by order of the commandant of brigade, for any time not exceeding thirty days, at the expense of the proper brigade, or at the expense of the state, if then paid, to be paid out of the military fund, and any justice of the peace in the township where the person or persons reside, shall have jurisdiction to try all cases under three hundred dollars, but all suits brought for three hundred dollars, or more, shall be tried in any other court having competent jurisdiction for the collection of such fines, and when such fine is paid over by the defendant or defendants, it shall be paid over into the state treasury, after paying the costs of confining any one in jail; Provided, That any and all persons who have a legal right to hold or keep any of the articles named in this section

shall not be liable by this act. All suits shall be brought in the name of the state of Ohio, and may be prosecuted by the commandant of brigade, or any person he may authorize so to do. Persons claiming to have a legal right to hold any of the articles named in this section, on demand of the proper officer, shall show a written authority, signed by the quartermaster general, or commandants of divisions, brigades, regiments, squadrons or battalions.

#### MAJOR GENERAL'S ELECTION.

SECTION 47. Whenever the office of major general becomes vacant in any or all of the divisions of the volunteer militia of this state for any cause whatever, the governor, through the adjutant general, shall immediately give at least thirty days notice in one or more newspapers published within the bounds of each brigade, and if there is no newspaper published in each or all of said brigades, then he shall cause public notice to be stuck up in at least five public places within the bounds of each brigade, ordering the electors to meet at a certain time and place as follows: All the commissioned and staff officers and all legal electors within the bounds of each brigade shall meet at the head-quarters of the commandant of brigade, or county seat of such brigade, and when met, the highest officer in command who is not a candidate shall preside, and shall take two other electors present who are not candidates, as judges of said election; and also one other elector as clerk of the election; and the judges shall, between the hours of ten o'clock, a. m., and three o'clock, p. m., of said day, receive the ballots of the legal electors, who reside within the bounds of said brigade, and the clerk shall enter the name of such elector in a book to be provided for that purpose; and at the close of the election the judges and clerk shall count the ballots and compare the same with the poll books, and shall forthwith decide the state of the poll to the electors present, and shall forthwith make out a true copy of the same, attested and signed by said judges and clerk; which copy shall remain in the hands of the clerk, for the inspection of any legal voter wishing to examine the same, and until said major general is known to have been duly elected and commissioned; but the original poll book shall be forthwith sealed up and forwarded by mail to the adjutant general, who shall retain said poll book in his hands for the space of fifteen days from the date of said election, and if no notice is given by some one or more legal electors of said division, that he intends to contest said election, then the adjutant general shall forthwith cause a commission signed by the Governor to be forwarded to said major general elect. And when there is no commissioned and staff officers in any brigade, the legal electors who are liable to do military duty in time of peace

Governor to give 30 days notice of major general's election.

Manner of conducting election of major general,

Poll book to be sealed up and forwarded to adjutant general.